Captain Waller went to the island. I am not going to discount the severity of the hardships which are ascribed to the men of his expedition. I do not want to say one word in derogation of the men who were performing this service. I would not arraign any of these subordinates. God knows they were performing the most thankless and unhonored task that ever soldiers were called upon to perform. General Smith says of Captain Waller: "I commend him for promotion because he has faithfully and relentlessly carried out the directions which I gave him."

That appears in General Smith's official report, sent to us from the War Department. It appears in the orders, if we are to believe the report, the authenticity of which is recognized in the official documents sent to the Senate Committee on the Philippines by the Secretary of War, that Waller was arraigned and tried before a court-martial, and that his defense was not that he had not been guilty of the offenses which were charged against him (and we know what those were), but that he had performed them under the command of his superior, and in that trial he not only testified himself under oath, but he was corroborated by Captains Porter and Bearas and a corporal whose name I do not recollect just now. Captain Porter and Captain Bearas, as will appear from the official reports, were both recommended by General Smith for promotion and were promoted from captains to majors upon the ground of their gallantry and efficiency in the service.

We have the official record to prove the reliability of these witnesses, who have all testified, if we are to believe the reports of the Associated Press, credit to which is given by the War Department, that these things occurred. The order to Waller and his expedition was to make the island of Samar a howling wilderness, to encumber themselves with no prisoners, to kill everyone over the age of 10, and that they proceeded relentlessly to carry those orders into effect. The records show that men who had submitted to our forces as prisoners, and who were helpless and unarmed, crossing the island and enduring the pain and hardship that at least the men endured during the progress of the journey, finally reaching their destination, were charged with having failed to satisfy the hunger of their captors or with having failed to disclose to the men in whose custody they were the kind of roots that might be beneficial for food.

This was the offense that was charged against them. They were taken out by lot and shot to death. Not only that, but they were tied to trees and under this general authority to spare not, either to end the war or to inflict suffering relentlessly and in cold blood, they shot off an arm or a leg, and they continued the process for hours, if we are to believe the reports, until finally in agony the man perished. This man, upon that charge deliberately made by the officials in Manila and arraigned for trial, seemingly was acquitted because of the command given to him by his superiors, which covered the acts themselves.

But we pass from Samar to Batangas, and what do we find there? The governor of Batangas officially reported in December of last year that of the inhabitants of that province, of whom there were more than 300,000, but 200,000 remained; that the others had perished. We have it in an unofficial statement of General MacArthur that one-sixth of the inhabitants of Luzon had also perished.

But, Mr. President, I do not care to enter into the discussion of this particular phase of the matter this evening, because, in order that I may do no injustice to any man in the presentation of this statement, I desire to be entirely accurate, and I may collate the official documents which bear upon it in a more consistent manner, and make greater progress in the course of this discussion if I am permitted to delay its further continuance until to-morrow.

Mr. PATTERSON. The Senator from Utah is evidently wearied.

Mr. LODGE. I have no desire to press the Senator from Utah, of course, and if he desires to continue to-morrow I will either move an executive session, if any Senator desires one, or I will move that the Senate adjourn.

Mr. RAWLINS. That is agreeable to me.

CENTRAL ARIZONA RAILWAY.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I return without approval Senate bill No. 4363, entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve."

The Secretary of the Interior writes me as follows concerning the attached bill:

"I inclose a copy of the report on the bill by the Commissioner of the General Land Office, dated the 5th instant, for your full information.

"He states therein that it is questionable whether or not this company could be required to supply a bond to protect the Government from damage by reason of occupancy of the right of way provided for by this bill, should it become a law.

"He also states that this company could acquire the right of way under existing laws, as other companies have done, by complying with the usual requirements, one of which is the filing of a bond for the purpose mentioned, and that he knows of no reason why this company should be exempted from such requirements."

In addition thereto I have had the Commissioner of the Land Office before me. He informs me that in its present form it would be impossible to exact the guaranty from the railroad that would insure its making good damages resulting from fire or any carelessness on the part of the railroad company in the forest reserve through which this railroad is to pass. He further informs me that there is at present a law which will permit the railroad, if it chooses to take advantage of it, to go across forest reservations under proper safeguards, and that there is no reason why this railroad should be singled out to be favored beyond all other railroads by being excepted from the necessity of complying with the departmental regulations with which all other railrcads are forced to comply.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LODGE. I move that the message and bill be referred to the Committee on Public Lands and printed.

The motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 24, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 23, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

QUESTION OF PRIVILEGE.

Mr. CREAMER. Mr. Speaker, a question of privilege.

The SPEAKER. The Journal is not approved yet. Without objection, the Journal will be considered as approved.

There was no objection, and the Journal was approved.

The SPEAKER. The gentleman will state his question of privilege.

Mr. CREAMER. An article appears this morning in a metropolitan journal referring to the post-office at New York City, which is located in the district I have the honor to represent, charging the delegation from that city with being "dummies" and derelict in their duties here. I ask the Clerk to read the following article:

The Clerk read as follows:

NEW YORK'S NEW POST-OFFICE.

The House Committee on Public Buildings yesterday agreed upon its omnibus bill calling for appropriations aggregating $30,000,000.

What about the sorely needed uptown post-office for New York?

New York is graciously awarded a commission to come on here and select a site.

Senator PLATT'S bill, which passed the Senate, providing for a commission on which representatives of the great commercial organizations should be members, and appropriating two and one-half millions for the land and building—that bill is ignored.

Three members of the Cabinet are alone authorized to select and contract for the land, and as for an appropriation and the construction of the building, our kind friends in Washington may take the matter under consideration at some future session.

It is not at all surprising to learn from our special Washington dispatch this morning that "the New York members of the House were not consulted." If New York had real Representatives instead of more than a dozen dummies in the House they would not wait to be invited by the committee. They would have to be consulted.

Unless a strenuous effort is made to have the Senate bill taken up and passed our "Representatives" are liable to learn something to their disadvantage.

The SPEAKER. This presents no question of personal privilege.

Mr. CREAMER. It is a question involving the reputation of the Representatives of that city.

The SPEAKER. If the gentleman wants to ask unanimous consent for a personal explanation, the Chair will be glad to submit the request.

Mr. CREAMER. I would like to have about two minutes.

The SPEAKER. The gentleman asks unanimous consent——

Mr. PAYNE. Is there any limit of time? How much time does the gentleman want?

Mr. CREAMER. A few minutes.

The SPEAKER. How much time does the gentleman desire?

Mr. CREAMER. Not over five minutes.

The SPEAKER. Unanimous consent is asked that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CREAMER. The bill referred to in that paper was passed by the Senate in the last week of January. The following week I called at the room of the Committee on Public Buildings and Grounds and informed the chairman of the committee as to the condition of affairs concerning the post-office facilities in the city of New York and urged him to report the bill. No doubt a majority of the members of this House are familiar with the condition

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of things there; no doubt you are familiar with the fact that an enormous surplus of revenue is received there which contributes largely toward the postal facilities of other parts of the country. Subsequently there appeared an article in a newspaper interviewing the chairman of the committee, the gentleman from Nebraska [Mr. MERCER], where he stated that if there was any evidence that the New York delegates were united he would report the bill.

Whether that was a genuine interview or not, of course, I am not able to state; but it was never contradicted. The New York delegation then met in a room here in the Capitol, and with our dear friend [Mr. CUMMINGS], now stricken down, at our head, we called upon the chairman of the committee at his room, and asked for a report of the bill. Mr. CUMMINGS urged us subsequently to be patient. This was the latter part of February. He urged us to be patient; that the chairman had assured him that action would be taken in reference to the measure, and that a separate bill would be reported. We acquiesced. While Mr. CUMMINGS was on his feet in this House there was no voice or echo from that committee but that we were to have a separate bill. Now, it seems, when we are bereft of the services of that member, we are informed, true indirectly, that a new commission is to be created, and that the bill will not include an appropriation.

I insist, Mr. Speaker, that the New York delegation, so far as I know, have performed their duty; and this reflection on their want of interest in this public question is not justified. I will not deny, however, that, judging from what I have read in the newspapers concerning what has transpired here, that this editorial printed in the New York Herald is perfectly justified.

Mr. LESSLER. Mr. Speaker, I ask unanimous consent that I may be recognized for five minutes in the line of the gentleman's remarks on the subject of the post-office at New York.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have five minutes to address the House on the subject which has been discussed by the gentleman preceding him. Is there objection? [After a pause.] The Chair hears none, and that gentleman is recognized for five minutes.

Mr. LESSLER. Mr. Speaker, very soon after I came into the House, in January, the matter of the New York post-office was brought to my attention; and while I had not intended to say so before, and have not spoken of it, the meeting that took place with the entire New York City delegation was brought about at my instigation. All of us met, and the new members said to Mr. CUMMINGS and the other older members that their judgment was best as to the method of obtaining what we desired, and that we would follow them and go to the chairman of the Committee on Public Buildings and Grounds. At their instigation we visited the Committee on Public Buildings and Grounds and requested that, with minor changes, the Cummings bill be reported to the House. Since that time I have personally been at that committee all the time, and yesterday afternoon I learned that we were to have in the omnibus bill a commission to investigate the subject, and that our request as a delegation, as a united delegation, irrespective of political lines, knowing what our people needed and wanted, was to be ignored by that committee and they were to bring in their own measure.

However, my judgment of the situation was and is that when that bill comes on the floor of this House we are sufficient in number, knowing what our people want and what they must have for the benefit of the rest of the United States, and not of New York alone, to present to this House sufficient reasons why this Congress should legislate to give us an appropriation so that we can commence at once to build the New York post-office. The delegation, Republicans and Democrats, have not been derelict, but have done the full measure of their duty toward getting what New York needs and what the United States ought to have—an additional and a great post-office in the city of New York.

PRINTING OF NAUTICAL ALMANAC.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to call up House joint resolution 177, providing for the printing of the American Ephemeris and Nautical Almanac.

The Clerk read the resolution, as follows:

Resolved, etc., That hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound 1,100 copies of the same, uniform with the editions printed for the Navy Department, as provided in section 73, paragraph 5, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents, 100 copies for the Senate, 400 for the House, and 600 for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

The SPEAKER. This will require unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading, read the third time, and passed.

PRINTING REPORT OF GOVERNOR OF OKLAHOMA.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the committee to ask unanimous consent for the present consideration of concurrent resolution No. 30.

The Clerk read the concurrent resolution, as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the two votes by which the two foregoing resolutions were agreed to was laid on the table.

HARRY C. MIX.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4446) for the relief of Harry C. Mix.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry C. Mix, of Bibb County, Ga., be, and he is hereby, relieved from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of $1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds: *Provided, however*, That the said Harry C. Mix shall first pay to the Government of the United States all costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair will call the attention of the gentleman from Georgia to line 5, on page 2. The word "court" has been inserted before the word "cost." Is it the intention of the gentleman to move an amendment?

Mr. BARTLETT. Yes, Mr. Speaker; I move an amendment in that particular.

The SPEAKER. The gentleman from Georgia moves to amend by adding the word "court," after the word "all," in line 5, page 2; so that it will read "all court costs."

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 698, REVISED STATUTES.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 698 of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows:

"SEC. 698. Upon the appeal of any cause in equity or of admiralty and maritime jurisdiction, or of prize or no prize, it shall be the duty of the clerk of the court below, upon payment to him of a sum not to exceed $5 as his fees, by the appellant, together with the actual cost of transmitting the same, as hereinafter mentioned, either by mail or express, to attach together the original bill, libel, process, answer, replication, and all other pleadings, processes, motions, notices, orders, and decrees which shall have been filed in said cause, together with all the original minutes of all testimony in the cause, whether taken in open court by commissioner or settled by the court, and also copy of all journal and calendar entries, and all other proceedings of record in the cause not embraced in the original papers hereinbefore mentioned, and transmit the same, together with his certificate of the genuineness of the said original and the correctness of said copies of such journal and calendar entries and records, to the Supreme Court or to the circuit court of appeals, as the case may be, within fifteen days after such appeals shall be perfected; and if an appellant shall neglect to pay to such clerk the fee above provided for making such returns for thirty days after such repeal has been perfected, he shall be deemed to have waived his appeal, and the appellee may at once proceed to enforce his decree the same as if no appeal had been taken; and when an appeal shall have been so heard and determined the records and files sent from the court below, together with the proceedings and decree or order of the Supreme Court or of the circuit court of appeals therein, and all things concerning the same, shall be remitted to the court below from which the appeal was taken, when such further proceedings shall be thereupon had as may be necessary to carry into effect the decree or order of the appellate court. *And be it further enacted*, That whenever by the rules and practice of the Supreme Court or of the circuit court of appeals the record in the cause is required to be printed, the appellant may cause the same to be printed, subject only to the rules of the appellate court as to the style, manner, and time of such printing."

With the following amendments recommended by the committee:

(1) By striking out the word "copy" in line 3, on page 2, and inserting in lieu thereof the words "upon payment to him of 15 cents per 100 words therefor, copies;"

(2) By striking out the word "fee" in line 12, on page 2, and inserting in lieu thereof the word "fees;"

(3) By inserting immediately after the word "returns" in line 12, on page 2, the words "and copies," and

(4) By striking out the word "repeal" in line 13, on page 2, and inserting in lieu thereof the word "appeal," and that when so amended the bill be passed.

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill.

Mr. WARNER. Mr. Speaker, under existing law when a case is taken to an appellate court by appeal or writ of error, it is necessary in carrying the case up to have a transcript of all the files in the case, including the testimony which may be in writing, made and certified by the clerk of the trial court. This often imposes a great expense upon the parties. In some cases it has been known to be as great as $2,000. This bill simply provides that instead of the clerk certifying up a transcript of the files and written evidence, he shall attach together all the original files and testimony and certify to them on the payment to him of $5 and the cost of transmitting the papers to the appellate court.

In addition to that, he is allowed 15 cents for each 100 words for making a transcript of all that part of the record, the originals of which can not be sent up, like the journal and the minutes on the judge's docket, etc. That is the whole effect of the bill, to allow the parties to have the original files certified up, and when the case is finally decided by the appellate court the original files and transcript of the record are sent back to the trial court and remain on file there. It is to expedite the case and to save expense to the litigants and to simplify the whole proceedings. This is the method of proceeding followed in several States of the Union; and it is found to operate very beneficially. It has met with approval wherever it has been tried in our State courts.

Mr. CLAYTON rose.

Mr. WARNER. I will only add that this is a unanimous report of the Committee on the Judiciary.

Mr. CLAYTON. Mr. Speaker, I rose for the purpose of supplementing the statement of the gentlemen from Illinois [Mr. WARNER] by the further statement that this is the unanimous report of the Judiciary Committee, made after full consideration; and the bill ought to pass.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

DONATION OF SPARS OF CAPTURED BATTLE SHIPS.

Mr. WILEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo* was read, as follows:

Be it enacted, etc., That the lower mast taken by Capt. Richmond P. Hobson, of the United States Navy, from the captured Spanish battle ship Don Juan d'Austria, at Manila, and the topmast from the Almirante Oquendo, at Santiago de Cuba, be, and the same are hereby, donated by the United States to the State of Alabama, to be used in the erection of a flagstaff on the capitol grounds of said State as a perpetual memorial to the value of the American Navy.

SEC. 2. That the State of Alabama be reimbursed the expense of transporting said masts from the navy-yard at Brooklyn and Norfolk, respectively, to Montgomery, Ala., out of any money in the Treasury of the United States not otherwise appropriated.

The amendments reported by the Committee on Naval Affairs were read, as follows:

In lines 3 and 4 strike out the words "by Capt. Richard P. Hobson, of the United States Navy."

Strike out all of section 2.

There being no objection, the House proceeded to the consideration of the bill.

Mr. WILEY. Mr. Speaker, this bill was introduced by me at an early day of the present session, authorizing the Secretary of the Navy to donate to the State of Alabama the Spanish masts taken from the sunken battle ships *Oquendo* at Santiago and the *Don Juan d'Austria* at Manila, and brought to the United States through the instrumentality of Naval Constructor Capt. Richmond Pearson Hobson, the hero of the *Merrimac*, and by him presented to the people of Alabama, to be erected on the grounds of the State capitol at Montgomery, from which to display the first American flag hoisted in Cuba—said masts and flag to be the property of the State, and to be kept on exhibition as a perpetual memorial of the valor of the American Navy in the two greatest sea battles of the world and fought more than 8,000 miles apart.

This matter was first brought to my attention last October, at which time I was requested by prominent citizens of Montgomery, my home town, to take the matter in hand as the Representative in Congress from that district. I promptly wrote to the honorable the Secretary of the Navy, stating, in substance, that these masts had been brought to the United States through the efforts of Captain Hobson and presented by him to the State of Alabama; that Gen. Joseph Wheeler, a hero in two wars and under two flags, had given to the State the above-mentioned flag; that said relics were of no military value; that several of the other cities of the State possessed various kinds of mementos of the war, in which both the North and South participated, and in which they bravely vied with one another in generous rivalry in upholding the honor of the old flag.

Under date of October 14, 1901, I received a reply from Hon. John D. Long, Secretary of the Navy, in which he stated that he had authorized the commandants of the navy-yards, New York and Norfolk, to loan to the municipal authorities of the city of Montgomery the articles in question, upon application therefor by the mayor of Montgomery. Under date of October 21, 1901, the authorities at Montgomery received a letter from Capt. W. W. Reisinger, commandant of the navy-yard at Pensacola, Fla., in which he stated that he had been ordered by the honorable Secretary of the Navy to furnish three seamen, with a warrant officer in charge, to report to the mayor of Montgomery for temporary duty in connection with the erection of the above spars.

After some difficulty in the matter of transportation of said masts, on account of their great length, etc., they were finally transported to Montgomery.

The history of the donation of these masts to Alabama by Captain Hobson is familiar to the reading public. He advised the governor of the State that he had shipped the same to America and had arranged to donate them to the State. Upon their arrival in this country it was thought that they, technically speaking, were the property of the Government and could not be donated for any purpose to any particular State or section of the country without a special act of Congress authorizing the same. Finally the Navy Department decided that the masts could be shipped to Alabama and a bill afterwards passed by Congress confirming title in the State to the same.

These masts are now at Montgomery. The Navy Department does not want them. They have absolutely no military value, and to put the matter finally and forever at rest I ask that this bill may become a law.

The report from the Committee on Naval Affairs, accompanying the bill to this House, contains the following words:

These masts of the vessels heretofore mentioned are of no military value, and are now loaned by the Navy Department to the city of Montgomery, which desires to use said masts on the grounds of the State capitol at Montgomery for flag poles to display the first American flag hoisted in Cuba during the Spanish-American war and presented by Gen. Joseph Wheeler to the State of Alabama. The masts are of historic value only, and this bill simply vests the title to the same in the State of Alabama.

I have complied with my promise in introducing this bill. That it meets the approval of the Navy Department is made further manifest by the following communication from Secretary Long to the Speaker of this House, which he has kindly submitted to me and which I will read:

NAVY DEPARTMENT, *Washington, April 16, 1902.*

SIR: Your letter of the 10th instant, inclosing a copy of the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, has been received, and in reply to your request for an expression of the Department's views on the subject I have the honor to state that no objection is perceived to the donation to the State of Alabama of the spars of said vessels, as provided in the bill.

In compliance with the request contained in your communication above mentioned, I return herewith the bill in question with the report thereon.

Very respectfully,

JNO. D. LONG, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I desire to state briefly that it is peculiarly appropriate that these masts be permanently erected in the city of Montgomery, not only the capital of Alabama, but also the first capital of the Southern Confederacy. They are to be utilized as flagstaffs from which to display the starry banner of the Union—the standard of a reunited country—as an emblem of the blended patriotism of the men, and the sons of the men, who wore both the blue and the gray in fratricidal conflict in the long ago between the two great sections of our grand and glorious Republic. It will furnish another evidence of the truth that all sectional lines have been obliterated and that we are banded together once more and forever in the common bonds of union, loyalty, fraternal love, and civil liberty. [Applause.]

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILEY, a motion to reconsider the last vote was laid on the table.

INDIGENT CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, with amendments which I will offer at the proper time.

The bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in

the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots under an act approved June 28, 1898, being "An act for the protection of the people of the Indian Territory, and for other purposes," the said sum to be used for certain destitute Choctaw Indians in the manner hereinafter provided, and charged against the proportionate share of said fund belonging to the Choctaws.

SEC. 2. That Gilbert W. Dukes, principal chief of the Choctaw Nation, George W. Scott, treasurer of the Choctaw Nation, and Green McCurtain, ex-principal chief of the Choctaw Nation, are hereby constituted a commission, with authority to investigate and determine what Choctaw citizens are destitute and in absolute need of help; and they are hereby authorized and empowered to supply to said destitute Choctaws such food as may be necessary for their maintenance as they may determine to be right and proper, the same to be paid for out of the aforesaid $20,000.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of the arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat., 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901, to the credit of the Chickasaw tribe.

SEC. 4. That D. H. Johnson, governor of the Chickasaw Nation, W. T. Ward, treasurer of said nation, and P. S. Mosly, ex-governor of said nation, are hereby constituted a commission with authority to investigate and determine what Chickasaw citizens are destitute and in absolute need of help, and they are hereby authorized and empowered to supply said destitute Chickasaws with such food as may be necessary for their maintenance as they may determine to be right and proper. Said commission is also authorized to reimburse the governor of the Chickasaw Nation for the actual expenses heretofore incurred by him in supplying indigent Chickasaws with necessary food and raiment, payment to be made from said fund: *Provided*, That the members of said Choctaw and Chickasaw commission shall not be allowed any compensation for their services except the actual necessary expenses while engaged in said work.

The Clerk read the following proposed amendments:

In line 7, page 1, strike out "thirty" and insert "twenty."

In line 14, page 1, strike out "belonging to the Choctaws" and insert "due to each Choctaw Indian receiving relief under the provisions hereof."

At the end of section 2, insert the following:

"But not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share."

Insert in line 19, page 2, after the words "Five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents" the words "excluding the incompetent fund."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. Mr. Speaker——

Mr. CURTIS. Mr. Speaker, there are two other amendments which have been suggested by the Department.

The SPEAKER. Committee amendments? None of the amendments just read are in the bill as sent to the desk.

Mr. CURTIS. They are amendments suggested in a letter from the Department——

The SPEAKER. And subsequently adopted by the committee?

Mr. CURTIS. No, sir; but I was authorized to offer amendments suggested by the Department.

The SPEAKER. These amendments can be sent up afterwards.

Mr. CANNON. I think it is probably material that the amendments should be read now. I have had a conversation with the gentleman from Kansas [Mr. CURTIS] about this bill, but I want to ask this question: Whether, after conference with the Department, he is satisfied that under the provisions of this bill no Indian who is relieved will be relieved except from his own funds; in other words, that this relief can not in any event be a charge against the United States Treasury, but will be charged against the funds to which the individual Indian is entitled?

Mr. CURTIS. I am satisfied that that will be the effect of the bill with the adoption of the amendments which I send to the desk. In this connection, I would like to have printed in the RECORD a letter from the Department in reference to this measure.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 21, 1902.*

HON. CHARLES CURTIS,
House of Representatives.

SIR: In accordance with your verbal request for the views of the Department upon H. R. 13819, entitled "A bill for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes," I beg leave to submit the following:

The first section of said bill authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Choctaw Nation, the sum of $30,000 of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations derived from the sale of town lots under an act approved June 28, 1898, commonly called the "Curtis Act," said sum to be used for the relief of certain destitute Choctaw Indians in the manner hereinafter provided in the following section and charged against the proportionate share of said fund belonging to the Choctaws.

The first amendment suggested is a change of the amount from $30,000 to $20,000, which is the same amount as that heretofore recommended by the Department in its letter dated April 18, 1902.

The second amendment is to strike out in the fourteenth line the word "belonging" and insert in lieu thereof the word "due." Also to strike out the word "the" at the end of the line and insert in lieu thereof the word "each," and change the word "Choctaws" to "Choctaw" in the fifteenth line, and add thereto the words "Indian receiving relief under the provisions hereof." These amendments meet the approval of the Department.

By section 29 of the "Curtis Act" it is provided that "the money paid into the United States Treasury for the sale of town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof."

The Commissioner of Indian Affairs on March 25, 1902, reported to the Department that the amount derived from the sales of town lots under said provision credited to the Choctaw Nation, was $90,718.56.

It is clear that no injustice will be done if the amount advanced for the relief of the indigent Indians be charged up to the share of each Choctaw Indian receiving relief. The effect is only to anticipate the payment provided for in said section of the "Curtis Act," which, without further legislation, would have to be distributed to all the members of said nation as provided therein.

The funds arising from the sale of town lots will continue to increase as the lots of the several towns in the nations are sold and the proceeds paid into the Treasury.

The second section is proposed to be amended by adding after the word "dollars" the following: "but not exceeding to any beneficiary the amount he is entitled to receive from said fund as his distributive share." The Department has no objection to said provision. It will be a wholesome restriction upon the commission and tend to insure a proper distribution of the relief.

Section 3 authorizes the Secretary of the Treasury, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at St. Louis, Mo., to the credit of the treasurer of the Chickasaw Nation, the sum of $20,000, $10,000 of which shall be taken from the balance of arrears of interest of $558,520.54 appropriated by the act of Congress approved June 28, 1898 (30 Stat.. 495), and $10,000 out of the Chickasaw national fund of $60,000 placed upon the books of the Treasury of the United States by the Indian appropriation act of March 3, 1901 (31 Stat., 240), to the credit of the Chickasaw tribe.

Inasmuch as there were two funds to which said appropriation was to be credited, it is recommended that after the word "cents" in the nineteenth line of section 3 there be inserted the words "excluding the 'incompetent fund.'" The report of the Commissioner of Indian Affairs shows that there is $55,572.75 of the fund not included in the "incompetent fund," which is still to the credit of the Chickasaw Nation, and which is not required by law to be paid out per capita. The "incompetent fund" is required by law to be paid out per capita to the members of the Chickasaw Nation under the provisions of said Indian appropriation act of March 3, 1901. There is no requirement that the second $10,000 shall be distributed per capita, and hence there does not appear to be any good reason why Congress may not authorize the relief for the Chickasaws as herein indicated.

In section 4, sixteenth line, the word "commission" should be "commissions," there being one for each nation; and it is recommended that there should be a second proviso, as follows: "*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

The Department again urges that the relief requested be furnished as speedily as possible and that the bill do pass.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. CURTIS. Mr. Speaker, this bill was drawn by the Department and sent to the Committee on Indian Affairs, and the committee authorized me to report it. The Department urges its passage because the Indians are destitute, and this money is in the Treasury to the credit of the tribes. The bill makes no appropriation whatever. It simply allows these Indians to use the money now standing to their credit. Under the bill, if amended as suggested by the Department, I am satisfied the members of the Choctaw tribe will simply get their pro rata share of the money now in the Treasury derived from the sale of town lots, and so far as the Chickasaws are concerned they have two funds which may be used for this purpose if Congress so directs.

The SPEAKER. Without objection, the other amendments sent to the desk by the gentleman from Kansas [Mr. CURTIS] will be read for information.

Mr. RICHARDSON of Tennessee. Before those amendments are read allow me a word. I could not catch what the gentleman said in respect to these amendments. I understand that they have not been considered in the committee. Is that correct?

Mr. CURTIS. The amendments were not considered by the committee, but the committee by a unanimous vote authorized me to report the bill prepared by the Department. The Department prepared this bill, and afterwards suggested the amendments. So there can be no question about the funds to be used.

Mr. RICHARDSON of Tennessee. The amendments have not been printed at all, as I understand.

Mr. CURTIS. The amendments were offered just now and are embodied in the letter from the Department to simply make the bill plainer, so that the purpose of the bill will be thoroughly understood.

Mr. LITTLE. The amendments are simply to identify the fund?

Mr. CURTIS. To identify the fund.

Mr. LITTLE. And to make certain the purposes of the bill?

Mr. CURTIS. That is the object of the amendments.

The SPEAKER. The Clerk will read the additional amendments for the information of the House.

The Clerk read as follows:

Insert in line 19, page 2, after the word "cents," the following: "excluding the incompetent fund."

In line 16, page 3, change the word "commission" to "commissions."

Insert after the word "work," in line 18, page 3, the following:

"*Provided further*, That each commission shall make full report to the legislative body of its respective nation, giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission."

Mr. RICHARDSON of Tennessee. Mr. Speaker, the difficulty, I may say, is that it is impossible when amendments are not printed for us to understand exactly their purport and effect. Now, I understand the gentleman to say that he has offered the amendments to carry out the recommendations of the Indian Office?

Mr. CURTIS. Of the Department—the Secretary of the Interior.

Mr. RICHARDSON of Tennessee. Now, I am assured by the gentlemen of the minority of that committee that these amendments do that, and if so, why it is all right.

Mr. CURTIS. There is no question about that.

Mr. RICHARDSON of Tennessee. But we are compelled to act purely upon faith, upon the representations made by these gentlemen, because we can not see the amendments and they are not printed, but with these assurances I shall not object.

Mr. CANNON. I am content to take the judgment and word of the gentleman from Kansas [Mr. CURTIS], that when the bill passes with the amendments that each Indian relieved gets that to which he is entitled, and there can be in no event hereafter a charge upon the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of the bill and the proposed amendments? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER IN MARION COUNTY, TENN.

Mr. MOON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., which I will send to the desk and ask to have read.

The Clerk read the bill at length, together with the amendments recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the last vote was laid on the table.

STATISTICS OF TRADE BETWEEN UNITED STATES AND NONCONTIGUOUS TERRITORY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory.

The Clerk read as follows:

Be it enacted, etc., That the provisions of sections 4197 to 4200, inclusive, of the Revised Statutes of the United States, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

GRANTING LANDS TO COLORADO SPRINGS, COLO.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo., and that the similar House bill lie on the table.

The Clerk read as follows:

Be it enacted, etc., That the following-described tracts of land, situate in the county of El Paso and State of Colorado, described as follows: All of south half of south half of section 28; all of south half of section 29 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter of section 31 not included in the grant to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of southeast quarter of section 31; all of northwest quarter of section 32 not included in the grant made to the city of Colorado Springs under the act of Congress approved April 24, 1896; all of northeast quarter, all of southwest quarter, and all of north half of southeast quarter of section 32; all of north half, all of north half of southwest quarter, all of southwest quarter of southwest quarter, all of north half of southeast quarter, and all of southeast quarter of southeast quarter of section 33.

All of the above-described land is in township 14 south, range 68 west, of sixth principal meridian. Also, all of east half of northeast quarter and all of north half of south half of section 4, township 15 south, range 68 west, of sixth principal meridian; all of north half of southeast quarter, all of west half of northeast quarter, and all of northwest quarter of section 5, township 15 south, range 68 west, containing 2,181.5 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the similar bill, H. R. 11985, will lie on the table.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, COLUMBUS, GA.

The SPEAKER laid before the House the bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., with a Senate amendment thereto.

The Senate amendment was read.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. TAYLOR of Alabama obtained leave of absence indefinitely, on account of important business.

OLEOMARGARINE.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania presents the following privileged report.

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; and said motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the said bill shall continue privileged until the bill and amendments shall have been disposed of.

Mr. DALZELL. Mr. Speaker, the effect of this rule is to make the Senate amendments to the oleomargarine bill a continuing order until disposed of.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield about fifteen minutes to me.

Mr. DALZELL. I yield fifteen minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the rule that brings this bill before the House simply provides that it shall be a continuing order of the House until disposed of. It makes the matter privileged, and I should have no objection to this form of rule if it was not for the fact that I consider it inapplicable to this question.

In my judgment the oleomargarine bill is of no more importance than hundreds of other bills on the Calendar demanding relief at this time, demanding the right of way at this time, that are ignored, and that will continue on that Calendar until they die, because they can not be reached. Now, this bill has not the unanimous report of either party.

Mr. TAWNEY. It is not a party bill.

Mr. UNDERWOOD. It is not a party bill. It has the strong opposition of a large portion of the country. It is purely in the interest of one set of people, and against the interest of another set of people. It is not of universal benefit to the country, and for that reason I do not believe that two rules should be given to put this legislation before the House.

There has been no change in the principle since the bill went to

the Senate. It is true that changes have been made. I think there are some beneficial changes in the bill, but as far as the principle is concerned the bill remains exactly as it did before it went to the Senate.

When the question originally came up before the Rules Committee, the two minority members of that committee opposed the reporting of this rule. The minority members of the committee still oppose the reporting of this rule as unnecessary for this legislation. For that reason, for the reason that we are taking up time that could be better disposed of and better used in the transaction of the great public business that the whole country is interested in, I think this rule should be voted down.

Now, I yield the balance of the time to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I agree with the sentiments expressed by the gentleman from Alabama [Mr. UNDERWOOD]. I do not rise to oppose the particular provisions of this rule, but I do rise to oppose the adoption of any rule for the consideration of the oleomargarine bill at this time. I find, upon looking at the Calendar, that this bill is preceded by 104 or 105 other bills on the Union Calendar. I find upon that Calendar such important measures as the one providing for the civil government of the Philippine Islands, a bill that we all hope will remove what is now a blotch upon the honor of the American people, and in some measure benefit that open sore that we are maintaining in the southern seas.

Yet that great measure must sleep in what the gentleman from Washington has well termed the cemetery of legislation while the Committee on Rules leads the brindle cow again to the bars and lets them down that she may enter into the richness of the Congressional pastures. I find on this Calendar two measures providing for the erection of national homes for the benefit of the disabled veterans of the civil and Spanish wars. I find on this Calendar a bill for the irrigation of arid lands, recommended by the President of the United States and indorsed by every labor organization of the Union, approved by nearly every commercial body in every city in every State in the Union. Yet that bill must sleep upon the shelf while the right of way is given to this measure, that has only one purpose, and that is to destroy one American industry for the benefit of another. [Applause.]

Mr. Speaker, what is the reason that this peculiar measure should for the second time at this session of Congress find such great power and influence in that most influential of all committees, the Committee on Rules, that everything else can be thrown aside and the right of way given to the bill that affects the oleomargarine industry? Why, sir, it has been but two days since I read in the local papers where the poor people of the District of Columbia were fighting for an approach to the stalls in the market that had advertised meat at a reduced price. With meat so high that the poor are almost unable to obtain it for their tables, with all kinds of food products higher probably than they ever were in time of peace, you come here with a special rule to tax a necessary article of diet, the only one of that nature that the poor man is able to place upon his table. Last week, sir, we had a measure up before this House to give relief to the starving people of Cuba. You follow it this week with a measure to tax the poor people of America. Tears and sympathy for the Cuban poor and sneers and taxation for the American poor is the record that the majority are making to go before the people. [Applause.]

But gentlemen said when this measure was up some weeks ago that it was not intended and it would not raise the price of butter. What are the facts? I find the actual fact to be that immediately after the passage of the oleomargarine bill in the Senate butter went up 4 cents on the New York market, 3 cents in the Chicago market, and 3 cents a pound above the current price at Elgin, Ill., the very home of the creamery industry. Yet gentlemen said this was not to increase the price of butter. Mark you, this price went up immediately after the bill had passed the other House of Congress and was thereby sure of ultimate enactment into law.

Mr. TAWNEY. Is it not a fact that the price of meats has also gone up since the passage of the oleomargarine bill?

Mr. COWHERD. But butter is not made from meat, but is made from milk; and the price of milk has gone down while the price of butter has gone up.

Mr. TAWNEY. The particular butter you are favoring is made from meat.

Mr. COWHERD. That has nothing to do with it. The bill as you passed it was to put up cow butter for the benefit of the farmer. The product of the cow is milk, and the milk went down instantly, while the price of butter went up at the instance of your legislation. [Loud applause.]

Mr. TAWNEY. Does the gentleman say that butter is not a product of the farm? If he does, he knows nothing about it.

Mr. COWHERD. I do know as much about it as does the gentleman from Minnesota.

Mr. TAWNEY. Well, then, you are not correctly representing yourself.

Mr. COWHERD. I say that the butter that is to be benefited by this bill is not the product of the farm, and you know it is not. It is the product of the creamery. It is the product of the factory and not the farm; and this bill is to aid the manufacturer and not the farmer, and these facts are proved by what has transpired since the passage of that bill by the Senate. [Loud applause.] Now, let me give you the facts.

Mr. MCCLEARY. Who owns the creameries?

Mr. COWHERD. The creameries in my country are largely owned by a creamery trust—400 of them—and no farmer has a single dollar in those creameries. [Loud applause.]

Mr. TAWNEY. Will you answer this question?

Mr. COWHERD. Let me refer to the facts.

Mr. TAWNEY. One billion seventy-three million pounds of butter are made on the farms and 420,000,000 are made in the creameries.

The SPEAKER. The Chair admonishes gentlemen that before interrupting a speaker they must get permission of the Chair to do so.

Mr. COWHERD. I want to call attention to another fact, to show that these gentlemen were not honest to this House when they said they were trying to prevent a trust in this bill. What is the fact about that amendment which said process butter should be labeled as "process butter?" This committee, which now comes here and asks a special rule to pass their bill, has stricken out that provision and provided that it be "labeled as the Secretary of Agriculture may provide"—and he may provide that it shall be labeled as "refined butter" or "extra fine creamery" or anything else that he chooses.

But just one word further. Now, the gentleman says that this is for the benefit of the farmer. The butter from the farm, as everybody knows, does not go into the trade, it does not go into commerce, it is used at the farm or it is used in the neighborhood of the farm in the small towns. There are 20,000,000 people in the United States living in cities of over 25,000 population, and into those cities goes the butter of the creamery, and the country butter does not compete with it, and only in those cities is oleomargarine sold to any extent, and only in competition with creamery butter. What is the fact? The butter trust, or the creameries, have been putting up the price of butter ever since the passage of this bill, until within the last day or two when they put it down, as I believe, for the purpose of aiding this bill again through the House. They have been putting up the price of butter and putting down the price of milk, which is the farmer's product.

Now, what is the fact as to the amount of butter? Was there any reason for this great advance? I find in the New York market in March of this year, when the butter was higher than for years, on account of the passage of this bill, that there was practically as much butter on the market in New York as in March of last year. I find that in the markets of Chicago there was more butter in March of this year than there was last year, and the price has gone soaring skyward because of this legislation that you have enacted, not for the farmer, but for the creameries.

Mr. BELL. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Colorado?

Mr. COWHERD. I will.

Mr. BELL. I notice that the price of eggs went up to 50 cents some time ago; did this legislation have anything to do with that?

Mr. COWHERD. Does not the gentleman know that when the price of eggs went up they were scarce in the market? I have read you the facts that there was as much butter in the market as there was last year, and therefore the price did not go up because butter was scarce. Can not the gentleman draw the distinction? [Applause.]

Mr. BELL. Other food products have gone up in price with it.

Mr. COWHERD. No food product has gone up in price comparatively as much as butter, not even beef, and that has been put up by the trust, as we are daily told by the press. The price of butter has been put up by this legislation which you are enacting against the table of the poor people of the United States. The only purpose that this bill can serve is to tax the man who to-day must earn his bread in the sweat of his face, and provide that hereafter he must eat that bread unbuttered. When food products were never so high, when butter was never at such a high price, and when butter makers were never so prosperous, there is not only no need of this legislation, but it is a little short of—I almost said infamous, but I will not use that word, but it is certainly an outrage in legislation that a special rule should be enacted to give this measure precedence over hundreds of other bills on the Calendar, many of them of the utmost importance. [Applause.]

Mr. DALZELL. Mr. Speaker, I do not understand that the merits of the oleomargarine bill are properly under discussion

now. The purpose of this rule is to give the House an opportunity to discuss that bill, and I do not propose to be drawn into any argument upon the subject.

Mr. MANN. May I ask the gentleman a question?

Mr. DALZELL. Yes.

Mr. MANN. Is there any other way under the rules by which the House could have an opportunity to consider this bill unless the Committee on Rules reported a special rule?

Mr. DALZELL. A motion to go into Committee of the Whole House for the discussion of the bill would be in order.

Mr. MANN. Then it is not necessary to report the rule.

Mr. DALZELL. I will say, in answer to my friend from Illinois and the gentleman from Missouri, that the justification of the Committee on Rules in bringing in this rule arises out of the fact that this bill has been considered by both Houses, both by the Senate and the House, and we are entitled to have, at some time or other, an end to legislation. In that respect it differs from the other bills on the Calendar referred to by the gentleman from Missouri. Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania asks for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were 101 ayes and 76 noes.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 79, answered "present" 13, not voting 110; as follows:

YEAS—153.

Acheson,	Edwards,	Lloyd,	Russell,
Adams,	Emerson,	McCleary,	Selby,
Alexander,	Esch,	McLachlan,	Shafroth,
Allen, Me.	Fletcher,	Mahon,	Shallenberger,
Aplin,	Foss,	Marshall,	Shattuc,
Ball, Del.	Foster, Vt.	Martin,	Shelden,
Barney,	Gaines, Tenn.	Mercer,	Sibley,
Bartholdt,	Gardner, Mich.	Metcalf,	Skiles,
Bates,	Gibson,	Mickey,	Smith, Ill.
Bingham,	Gilbert,	Miller,	Smith, Iowa
Blackburn,	Gillet, N. Y.	Minor,	Smith, H. C.
Bowersock,	Gillett, Mass.	Moody, N. C.	Smith, S. W.
Bristow,	Gooch,	Moody, Oreg.	Smith, Wm. Alden
Brown,	Gordon,	Moon,	Snook,
Brownlow,	Graff,	Morrell,	Southard,
Burkett,	Greene, Mass.	Morris,	Southwick,
Burleigh,	Grow,	Moss,	Sperry,
Butler, Pa.	Hamilton,	Mudd,	Stark,
Calderhead,	Haskins,	Mutchler,	Stevens, Minn.
Caldwell,	Haugen,	Naphen,	Stewart, N. J.
Cassingham,	Heatwole,	Needham,	Stewart, N. Y.
Conner,	Hemenway,	Neville,	Storm,
Coombs,	Henry, Conn.	Olmsted,	Sulloway,
Cooney,	Hepburn,	Otey,	Tate,
Cooper, Wis.	Hitt,	Otjen,	Tawney,
Cousins,	Howell,	Padgett,	Thomas, Iowa
Currier,	Hull,	Payne,	Tompkins, N. Y.
Curtis,	Irwin,	Pearre,	Tongue,
Cushman,	Jack,	Perkins,	Van Voorhis,
Dahle,	Jenkins,	Pou,	Vreeland,
Dalzell,	Jones, Va.	Powers, Me.	Wanger,
Darragh,	Jones, Wash.	Powers, Mass.	Warner,
Davidson,	Ketchum,	Prince,	Warnock,
De Armond,	Kluttz,	Ray, N. Y.	Williams, Ill.
Dick,	Knapp,	Reeves,	Woods,
Dougherty,	Lamb,	Rixey,	Zenor.
Douglas,	Lawrence,	Robb,	
Draper,	Lewis, Pa.	Robinson, Nebr.	
Driscoll,	Littlefield,	Rucker,	

NAYS—79.

Adamson,	Davis, Fla.	Lewis, Ga.	Roberts,
Allen, Ky.	Dinsmore,	Lindsay,	Ryan,
Ball, Tex.	Elliott,	Little,	Scarborough,
Bankhead,	Feely,	Livingston,	Scott,
Bartlett,	Foster, Ill.	Long,	Sims,
Bellamy,	Gaines, W. Va.	Loud,	Small,
Belmont,	Goldfogle,	McAndrews,	Smith, Ky.
Brantley,	Hedge,	McClellan,	Snodgrass,
Breazeale,	Henry, Miss.	McCulloch,	Spight,
Bromwell,	Hooker,	McDermott,	Stephens, Tex.
Brundidge,	Howard,	McLain,	Thompson,
Burgess,	Kahn,	McRae,	Tompkins, Ohio
Burleson,	Kehoe,	Maddox,	Underwood,
Butler, Mo.	Kitchin, Claude	Mann,	Wadsworth,
Candler,	Kitchin, Wm. W.	Meyer, La.	Wheeler,
Clayton,	Kleberg,	Miers, Ind.	Wiley,
Connell,	Lanham,	Pierce,	Williams, Miss.
Cowherd,	Lessler,	Pugsley,	Wilson,
Creamer,	Lester,	Ransdell, La.	Wooten.
Davey, La.	Lever,	Richardson, Tenn.	

ANSWERED "PRESENT"—13.

Bell,	Clark,	Rhea, Va.	Trimble.
Benton,	Graham,	Richardson, Ala.	
Bull,	Hay,	Robinson, Ind.	
Capron,	Johnson,	Shackleford,	

NOT VOTING—110.

Babcock,	Blakeney,	Bowie,	Burk, Pa.
Beidler,	Boreing,	Brick,	Burke, S. Dak.
Bishop,	Boutell,	Broussard,	Burnett,
Burton,	Gardner, N. J.	Latimer,	Schirm,
Cannon,	Gill,	Littauer,	Sheppard,
Cassel,	Glenn,	Loudenslager,	Sherman,
Cochran,	Green, Pa.	Lovering,	Showalter,
Conry,	Griffith,	McCall,	Slayden,
Cooper, Tex.	Griggs,	Mahoney,	Sparkman,
Corliss,	Grosvenor,	Maynard,	Steele,
Cromer,	Hall,	Mondell,	Sulzer,
Crowley,	Hanbury,	Moody, Mass.	Sutherland,
Crumpacker,	Henry, Tex.	Morgan,	Swanson,
Cummings,	Hildebrant,	Nevin,	Talbert,
Dayton,	Hill,	Newlands,	Tayler, Ohio
De Graffenreid,	Holliday,	Norton,	Taylor, Ala.
Deemer,	Hopkins,	Overstreet,	Thayer,
Dovener,	Hughes,	Palmer,	Thomas, N. C.
Eddy,	Jackson, Kans.	Parker,	Tirrell,
Evans,	Jackson, Md.	Patterson, Pa.	Vandiver,
Finley,	Jett,	Patterson, Tenn.	Wachter,
Fitzgerald,	Joy,	Randell, Tex.	Watson,
Fleming,	Kern,	Reeder,	Weeks,
Flood,	Knox,	Reid,	White,
Foerderer,	Kyle,	Robertson, La.	Wright,
Fordney,	Lacey,	Rumple,	Young.
Fowler,	Landis,	Ruppert,	
Fox,	Lassiter,	Salmon,	

So the resolution reported by the Committee on Rules was adopted.

Mr. GRAHAM. I voted in the negative, but as I am paired with the gentleman from Illinois [Mr. HOPKINS], who, if present, would vote "aye," I desire to withdraw my vote and be recorded as "present."

The following pairs were announced:

For this session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. BULL with Mr. CROWLEY.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. OVERSTREET with Mr. GRIFFITH.

Mr. MOODY of Massachusetts with Mr. THAYER.

Mr. BABCOCK with Mr. CUMMINGS.

Mr. EDDY with Mr. SHEPPARD.

Mr. CAPRON with Mr. JETT.

Mr. STEELE with Mr. COOPER of Texas, except revenue cutter.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. RUMPLE with Mr. FOX.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LANDIS with Mr. CLARK of Missouri.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. JOY with Mr. NORTON.

Mr. HEMENWAY with Mr. TAYLOR of Alabama.

For one week:

Mr. WATSON with Mr. BURNETT.

Mr. CROMER with Mr. ROBINSON of Indiana.

For balance of week:

Mr. MCCALL with Mr. BELL.

For this day:

Mr. REEDER with Mr. HENRY of Texas.

Mr. EVANS with Mr. HAY.

Mr. BURK of Pennsylvania with Mr. MAHONEY.

Mr. LACEY with Mr. FITZGERALD of New York.

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. BURTON with Mr. COCHRAN.

Mr. TIRRELL with Mr. CONRY.

Mr. CANNON with Mr. NEWLANDS.

Mr. DOVENER with Mr. FLEMING.

Mr. FORDNEY with Mr. GLENN.

Mr. FOWLER with Mr. KERN.

Mr. GILL with Mr. LATIMER.

Mr. GROSVENOR with Mr. PATTERSON of Tennessee.

Mr. HANBURY with Mr. RANDELL of Texas.

Mr. KYLE with Mr. REID.

Mr. LITTAUER with Mr. SALMON.

Mr. LOVERING with Mr. SPARKMAN.

Mr. MORGAN with Mr. SULZER.

Mr. SCHIRM with Mr. SWANSON.

Mr. TAYLER of Ohio with Mr. TALBERT.

On this vote:

Mr. CRUMPACKER with Mr. FLOOD.

Mr. DAYTON with Mr. BREAZEALE.

Mr. CONNELL with Mr. SHACKLEFORD.

Mr. BURKE of South Dakota with Mr. VANDIVER.

Mr. WACHTER with Mr. RHEA of Virginia.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. BEIDLER (against the bill) with Mr. HALL (for the bill).

Mr. WRIGHT (for the bill) with Mr. THOMAS of North Carolina (against the bill).

Mr. PATTERSON of Pennsylvania (for the bill) with Mr. RICHARDSON of Alabama (against the bill).

Mr. BRICK (for the bill) with Mr. FINLEY (against the bill).

Mr. DEEMER (for the bill) with Mr. LASSITER (against the bill).
Mr. HILL (for the bill) with Mr. ROBERTSON of Louisiana (against the bill).
Mr. BISHOP (for the bill) with Mr. CORLISS (against the bill).
Mr. HOPKINS (for the bill) with Mr. GRAHAM (against the bill).
Mr. BLAKENEY with Mr. GREEN of Pennsylvania until 2.30.
Mr. WEEKS (for the bill) with Mr. BOWIE (against the bill).
Mr. FOERDERER (for the bill) with Mr. JOHNSON (against the bill).
Mr. CROMER (for the bill) with Mr. WHITE (against the bill).
The result of the vote was announced as above stated.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with sundry amendments, and pending that motion I would say that both the majority and minority members of the committee have agreed on a general debate of one hour, half an hour a side, to be equally divided, and I ask unanimous consent that general debate be closed in one hour.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) and the amendments thereto, in pursuance of the rule just adopted, and pending that motion asks unanimous consent that general debate be limited to one hour, thirty minutes on a side. Is there objection to the request?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Connecticut.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. Does not the rule itself resolve the House into the Committee of the Whole?

The SPEAKER. The Chair will state that, in his opinion, it requires a motion.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Would it be in order to move that general debate close in one hour?

The SPEAKER. Not at present; not until after some debate had taken place. The question is on the motion of the gentleman from Connecticut.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, with Mr. OLMSTED in the chair.

Mr. HENRY of Connecticut. Mr. Chairman, this bill has been considered in the Committee of the Whole as a whole, with the exception of two sections, comprising Senate amendment No. 9. I would like a ruling of the Chair as to whether the entire bill is to be considered or simply the two sections embraced in the amendment No. 9.

The CHAIRMAN. The Chair understands the gentleman's inquiry to be whether all the amendments are to be considered in the Committee of the Whole House on the state of the Union.

Mr. HENRY of Connecticut. That is it, whether the entire bill is to be considered.

Mr. TAWNEY. I understood the inquiry to be as to whether the entire bill should be read or only the amendments of the Senate and the amendment to the amendments proposed by the Committee on Agriculture.

The CHAIRMAN. The Chair would like distinctly to understand the inquiry. Is it as to the reading of the bill or as to its consideration?

Mr. HENRY of Connecticut. The bill, I suppose, will be read, unless unanimous consent is given to dispense the first reading. The inquiry was as to whether we should consider in the Committee of the Whole the entire bill or simply the amendment No. 9; that is, sections 4 and 5 of the bill.

The CHAIRMAN. The Chair understands that there are ten Senate amendments to the bill as passed by the House. There is a rule—Rule XXIII, section 3—requiring that all propositions involving a tax or involving the expenditure of money must be considered in a committee of the whole House, and the Chair understands the gentleman's inquiry to be whether consideration now is to be limited to such Senate amendments as do either involve a tax or the expenditure of money. Upon that inquiry the Chair would state that while the rule referred to does require absolutely that all propositions of a certain character shall be considered in a committee of the whole House it does not prevent the House from ordering other questions to be considered in Committee of the Whole. There is also another rule—No. XIII—which requires that all bills which involve a tax shall be referred to the Committee of the Whole House on the state of the Union—not only the part imposing the tax, but the whole bill. This bill was originally referred to that committee and was considered by that committee before it was passed by the House.

Now, it has been returned by the Senate with sundry amendments. Those amendments have been referred to the Committee of the Whole House on the state of the Union, and the House has to-day adopted a rule and an order requiring, as the Chair understands it, the consideration of all the Senate amendments, which the Chair thinks it is quite within the province of the House to do. The Chair thinks that therefore all of the Senate amendments are to be considered in this Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Chairman, a parliamentary inquiry. As I understand the rule, the rule itself brings up the bill as well as the amendments. I agree with the Chair as to the ruling if it were not for the rule, but my recollection of the reading of the rule is that it brings the original bill, as well as the amendment, before the Committee of the Whole.

Mr. TAWNEY. I think the gentleman from Alabama is mistaken. The rule refers specifically to the Senate amendments and it is the amendments of the Senate.

Mr. UNDERWOOD. Mr. Chairman, I will ask that the Clerk read the rule again.

The CHAIRMAN. If there is no objection, the Clerk will read the rule.

There was no objection, and the rule was again read.

Mr. UNDERWOOD. Mr. Chairman, my position is that that rule not only brings the Senate amendments which were specifically named before the committee, but it also refers to the bill, and therefore brings the bill for the reconsideration of the Committee of the Whole under the terms of the rule as well as the Senate amendments.

The CHAIRMAN. The Chair will state that in his judgment it would not be within the province of the House itself to consider those portions of the bill which have been agreed upon by both House and Senate, but only the Senate amendments. Therefore it would not be within the province or authority of the House to direct the Committee of the Whole to consider anything more than the Senate amendments. The Chair does not understand the rule as requiring or intending that the Committee of the Whole House on the state of the Union shall consider more than the Senate amendments to the House bill.

Mr. UNDERWOOD. Mr. Chairman, if the Chair will allow me, I do not think there are many precedents on this question, and I think it ought to be determined at this time. The House can agree, with or without an amendment, to a bill that is returned from the Senate with amendments. Therefore it must be within the province of the House to amend the original proposition, because it must all be germane; and if it is within the province of the House to amend the original proposition, to make it suit the Senate amendments by adding an amendment, why, then, if the House determines, by its own motion, as it has done in this rule, to take up the whole proposition, then the whole proposition, the original bill and the Senate amendments, must be before the House for its consideration.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as I understand the situation, it is this——

Mr. PAYNE. Mr. Chairman, I submit that gentlemen can not raise this question now until some amendment is offered.

The CHAIRMAN. The point is well taken.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am talking to the point of order.

The CHAIRMAN. The Chair will state that no point of order has been made.

Mr. WILLIAMS of Mississippi. I make the point of order, then, that this bill must be considered in Committee of the Whole, and I will state why I make that point. It is required by the rules that bills raising revenue shall be considered in Committee of the Whole. No rule of the House can change that constitutional rule. Now, it may be attempted to be answered that this bill has been considered in Committee of the Whole; but the Chair will apprise himself of the actual status of this legislation. This bill was not sent to conference. Objection was made to that course, and this bill was sent back to the Committee on Agriculture. It is not a case where an agreement has been made between the two Houses, and only a matter not agreed to in conference is left to be considered; but this bill was sent back to the Committee on Agriculture, which considered it again ab initio, you might say, and it is brought back now from the Committee on Agriculture. It is not a conference report.

The CHAIRMAN. The Chair will call the attention of the gentleman from Mississippi to a ruling apparently upon this precise point made by Speaker Carlisle in 1895:

An amendment having been proposed by Mr. HERNANDO D. MONEY, of Mississippi, relating to the transmission of certain publications of the second

class through the mails, Mr. William S. Holman of Indiana made the point of order that the amendment related to a portion of the bill that had been agreed to by both Houses, and therefore was not in order.

The Speaker (Mr. Carlisle) sustained the point of order, holding that it was not in order to change the original text of a bill which had been passed by both Houses.

Mr. UNDERWOOD. Mr. Chairman, that was evidently a bill that was coming before the House on a conference report, and I admit that if the House had not ordered the whole proposition before the committee, only the amendments would be under consideration; but the point that I make is that it is within the power of the House to order the entire consideration of the whole measure, and that this rule has done so.

The CHAIRMAN. The Chair will state that in his judgment the position of the gentleman from Alabama is in direct opposition to the ruling of Speaker Carlisle. In that case the House itself was considering the Post-Office appropriation bill, which had passed the House and had been passed by the Senate with amendments. It had not been sent to conference. It simply came back as this bill has, with certain Senate amendments, and the Chair ruled that it was not in order for the House itself to consider anything but the Senate amendments. The House itself not having that power, it certainly can not be construed to have power to direct the Committee of the Whole House on the state of the Union to do something which the House itself can not do.

Mr. UNDERWOOD. Did the Speaker there rule that the House itself had not the power to amend its own bill in committee?

The CHAIRMAN. That it could not even consider a motion to that effect—that is to say, a motion to amend that portion of the House bill to which the Senate had agreed.

Mr. UNDERWOOD. Well, Mr. Chairman, Speaker Carlisle is a very high authority.

The CHAIRMAN. The Clerk will read the Senate amendments.

Mr. HENRY of Connecticut. I ask unanimous consent that the first reading of the Senate amendments be dispensed with.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the Senate amendments be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Connecticut. Mr. Chairman, the oleomargarine bill as passed by the Senate is so satisfactory in most respects that a majority of the House Committee on Agriculture are agreed in recommending the acceptance of all the Senate amendments but one, and with a few changes necessary to perfect the measure, recommend the House to concur with the Senate and pass the bill as amended.

The original bill as reported in the House is but slightly affected by the Senate amendments; in fact, most of the changes are merely verbal corrections made necessary by the addition in the Senate of sections regulating and restricting the manufacture and sale of process or renovated and adulterated butter.

Only three or four of the Senate amendments are of importance sufficient to require explanation.

Amendment No. 2 strikes out the proviso inserted in the House as an amendment to section 1 of the original bill. It is held by eminent legal authority that this provision would be a violation of the rule of uniformity in taxation imposed by the Constitution of the United States, and if allowed to remain in the bill will invalidate the provisions relating to taxation.

Amendment No. 3 is intended to exempt the family table from any possible harsh construction of the law, and is altogether commendable.

Amendment No. 5 reduces the license tax upon wholesale and retail dealers who shall sell only uncolored oleomargarine, and may be regarded as equitable and fair.

Amendments Nos. 7 and 8 strike out the words "or ingredients" and insert the word "artificial," making this provision read as follows:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, the tax shall be one-fourth of 1 cent per pound.

This is, perhaps, the most important change made by the Senate to the bill as reported in the House, and is a concession to the manufacturers of uncolored oleomargarine, who claim that the original provision would embarass the manufacturer of the uncolored article.

Inasmuch as it is not the purpose of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It is sometimes claimed that cream or butter may be successfully used, but this is manifestly impracticable, although it is barely possible that June butter, made when grasses are fresh and sweet, might, if a sufficient quantity is used, give the mixed product a slight yellow shade; but the high cost of this ingredient will prevent its use, except perhaps to a very limited extent in a high-grade article, too expensive for general consumption when sold as oleomargarine.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

Amendment No. 9 strikes out the imperfect House provisions for regulating the manufacture of process or renovated butter, and substitutes a full and comprehensive law for the regulation, restriction, and taxation of this product under the supervision of the Treasury Department for identification and taxation purposes, and of the Department of Agriculture for inspection and sanitary control.

Investigations have demonstrated that the interests of the great dairy industry will be protected and the welfare of all honest dairymen promoted by the safeguards provided in the proposed law. It is not the intention to unreasonably restrict the packing and sale of properly prepared process or renovated butter, but fraudulent adulteration should be prevented or made unprofitable. Disreputable manufacturers and manipulators are now imposing upon a confiding public an unwholesome product composed of vile and rancid butter deodorized and mixed with glucose and other ingredients designed to cheapen the article and also enable the absorption of a large quantity of water, with the result that the finished product often contains less than 60 per cent butter fat. This fraudulent and disgusting compound is now sold to domestic consumers and exported to foreign countries as dairy butter.

Dairy Commissioner Wells, of Pennsylvania, in a recent report gives this graphic description of the process of manufacturing adulterated butter:

It may be of interest to many to know what renovated butter is. It is also known under several aliases, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere. It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

We have in our State two extensive plants using large quantities of this original stock, and converting the same into what is often branded and sold for creamery butter. It is first dumped into large tanks surrounded with jackets containing hot water, and melted at a temperature ranging from 100 to 110° Fahrenheit. After being thoroughly melted the heavier solids sink to the bottom and the lighter particles rise to the top, which, when skimmed off, leaves the clear butter fat, with the heavier sediment at the bottom.

This butter fat is then removed to other tanks, jacketed and surrounded with hot water like the first. The odor of the fat at this stage is anything but agreeable, and the main object of the next manipulation is to remove this stench from it. This is supposed to be accomplished by aeration, the fat passing out of a pipe at the bottom of the tank, and with a rotary pump it is again elevated in a pipe over the top of the tank, and discharged through a strainer into the same, thus to remove the disagreeable odors, keeping up a continuous circuit and agitation of this liquid butter fat.

It is claimed by some that chemicals are also used for this purpose, but I have been assured by parties who are engaged in the business that this is not true. When the fat is sufficiently aerated the machinery is changed by removing the funnel-shaped strainer, and large quantities of skim milk are added; in just what proportion I am unable to state, but can approximate very nearly the amount. An analysis of the finished product showed only 75 per cent of butter fat, and as it contained nothing but the fat and milk and a small amount of salt, there must have been about 25 per cent of milk added. A perfect emulsion of the milk and butter fat is obtained by the same machinery that did the aerating, excepting the strainer, and it is accomplished in a very short time. When the milk has all disappeared the melted mass looks much as it did before the milk was added.

It is next run off in pipes to a vat of ice and water, where it is quickly chilled, taking the granular form and looking like ordinary butter when in the granular form before being worked,. It is then worked, salted, if necessary, and printed or packed in tubs for shipment, often as fresh creamery butter.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer usually "its last estate is worse than its first."

With these facts before us, who shall say that restrictive legislation is unnecessary?

With the intent of protecting the manufacture as well as of maintaining the reputation of pure butter and of prohibiting adulteration by unscrupulous manipulators, two grades are established under the provisions of the Senate amendment intended to include all manipulated or process butter.

Fraudulent butter in which chemicals have been used for deodorization and which is adulterated with any foreign substance is treated in the same manner and taxed 10 cents per pound alike with oleomargarine containing artificial coloring, and is placed under the supervision of the Bureau of Internal Revenue, while process or renovated butter, when pure, is taxed one-fourth of 1 cent per pound alike with oleomargarine without artificial coloring.

It is anticipated that this legislation will prevent fraud, protect the public from an article of food of unknown or doubtful origin, and insure to purchasers of butter the pure product of the churn and dairy.

The amendments recommended to certain provisions of the bill as passed by the Senate are designed to perfect the measure, and, I might add for the information of the House, that all of these amendments have been submitted to the chairman of the Senate Committee on Agriculture and Forestry and met his approval. Should the bill be passed as now, without further amendment, it is confidently hoped that the Senate will promptly concur with the House, and that Congress will not soon be asked for further legislation of this character.

As an indication of the views of the manufacturers of pure and legitimate process or renovated butter, I read for the information of the House a communication received from C. H. Weaver & Co., of Chicago, Elgin, Omaha, Minneapolis, New York, Boston, etc., a most reputable firm, represented to be the largest producers of renovated butter in the United States:

CHICAGO, *April 19, 1902.*

HON. E. STEVENS HENRY,
Washington, D. C.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000; and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the 30 manufacturers to be, because it will save our business from a number of evils which threaten it—namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be—a product of rancid, dirty butter, worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206, will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further, that in the end the farmer, from whom we buy our raw material, will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete. They provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power, and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

The Committee on Agriculture have unanimously agreed to recommend an amendment to section 4 of the bill, drawn by Prof. Henry C. Alvord, Chief of the Dairy Division of the Department of Agriculture, and approved by Secretary Wilson. This amendment I send to the Clerk's desk.

The Clerk read as follows:

On page 6, strike out the lines from 6 to 16, inclusive, and after the word "cream," in line 1, insert a semicolon and these words: "that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting 'adulterated butter,' as defined by this act."

Mr. HENRY of Connecticut. The definition suggested by the Department of Agriculture for process or renovated butter modifies the terms of the Senate amendment and classifies as process or renovated butter only such as has been melted, clarified, and rechurned in milk or cream, and can not possibly interfere with any process employed upon the farm or in the country store in the harmless manipulation of butter bought or taken in exchange for merchandise.

Mr. MANN. Would the gentleman, before he takes his seat, answer a question or two?

Mr. HENRY of Connecticut. Certainly.

Mr. MANN. On this question of artificial coloration—I suppose the committee have given consideration to that question—am I right in understanding that the manufacturer of high-grade oleomargarine does not have the right to continue the use of creamery butter?

Mr. HENRY of Connecticut. Yes, sir; he still has that right, and he sometimes uses creamery butter, but more often cream itself.

Mr. MANN. Well, as I understand, creamery butter is not used in the manufacture of any kind of oleomargarine except the high grade. Only in the manufacture of a high class of oleomargarine do they use butter——

Mr. HENRY of Connecticut. Sometimes butter is used, but more often milk and cream.

Mr. MANN. As one of the ordinary ingredients?

Mr. HENRY of Connecticut. Where milk and cream are not available, they do use butter.

Mr. MANN. Now, would it be, in the opinion of the gentleman or of the committee, permissible to continue the use of creamery butter as one of the ingredients in the manufacture of oleomargarine under the provisions of this bill?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. MANN. Would it be necessary in order to do that that the oleomargarine manufacturer first analyze the creamery butter, and see whether there was any articial coloration or color in the creamery butter, or could he use it as he purchased it in the market?

Mr. HENRY of Connecticut. In answer to that, I would refer to a conversation which I recently had with a representative of one of the largest oleomargarine manufactories in the country, and he says it is an absolute fact that they could not use, under the terms of this bill, butter that had been artificially colored; that legal proceedings already made covered that point.

Mr. MANN. The gentleman will pardon me; there has been no law of this kind in effect. I do not wish to get the opinion of an oleomargarine manufacturer, but the gentleman's opinion in that matter.

Mr. HENRY of Connecticut. I do not regard my opinion as valuable as that of an expert.

Mr. MANN. There could have been no expert opinion in this matter, because that is a question that has never arisen up to this time.

Mr. WADSWORTH. It rose in a State court, and the State court decided that the manufacturer of oleomargarine could not use colored butter, or coloring that affects the color as to oleomargarine.

Mr. MANN. That would depend upon the State, and how the local judges were influenced. I object to taking the opinion of a local judge of an ordinary State upon that question.

Mr. SHACKLEFORD. Do you mean to say that State judges can be influenced?

Mr. MANN. Oh, yes; by local opinion.

Mr. TOMPKINS of New York. What State? Not New York.

Mr. MANN. Oh, I understand; not New York! The judges in New York are selected with that use of political influence that public opinion has no influence on them whatever.

Mr. TOMPKINS of New York. It never influences them.

Mr. MANN. No. Will the gentleman from Connecticut pardon me another question with reference to section 4 of the bill? That is that provision of the act referring to what is the definition of butter on page 5 of the bill:

SEC. 4. That for the purpose of this act "butter" is hereby defined to mean an article of food as defined in "An act defining butter."

What is the definition in the bill that you refer to?

Mr. HENRY of Connecticut. This language on page 5 in section 4 is the definition of what is termed in this bill adulterated butter.

Mr. GRAFF. But it starts out with adopting a definition of butter itself as to pure butter. That is already in existing law. In section 4 the bill reads: "That for the purpose of this act 'butter' is hereby defined to mean an article of food, as defined in 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.'" That is practically the definition, and defines butter as being made with pure milk and cream, with or without salt and with or without coloring matter. That is the definition of butter. Then section 4 follows by defining adulterated butter.

Mr. MANN. That defines itself.

Mr. GRAFF. In substance that definition defines adulterated butter as being butter which contains some deleterious drug or substance which has entered into the butter for the purpose of curing rancidity, and which, of course, is an unhealthful substance; and in that respect there is a line of demarcation between that butter, which, of course, no one would object to have weighted down with proper regulations and notification to the consumer as to what it was—there is a line of demarcation between that and renovated butter which is acknowledged to be a healthful article.

Renovated butter is defined in this section as butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter. The Committee on Agriculture of the House, when they had the consideration of the Senate amendments, concluded there was an element of doubt about the certainty of that definition, that it might comprehend a great deal more than anybody would desire to have it comprehend, especially in the use of the words "melted" or "unmelted." It might include storekeepers in the country, where butter that they receive from their customers, absolutely healthful, is put together in tubs and labeled. There is no reason whatever why there should be any regulation of that product, because it is absolutely healthful, and so the committee proposed to amend this Senate definition of renovated butter by adopting the following in place of the words on page 6 of the bill, after the word "cream" and down to and including line 16 of the bill, by striking all that out and substituting the following——

Mr. HENRY of Connecticut. If my friend from Illinois will allow me to interrupt, and then I will yield to him, the committee have unanimously agreed to offer one amendment to the bill making the definition of process butter more satisfactory, and also to make it clearer that the country grocer will not be subject to the provisions of this law when packing butter known in the market as labeled butter. Now I will yield to the gentleman from Illinois.

Mr. MANN. Will the gentleman from Connecticut permit me to get a little further information before he yields to the gentleman from Illinois?

Mr. HENRY of Connecticut. I will.

Mr. GRAFF. Will the gentleman from Illinois permit me to complete my statement?

Mr. MANN. Certainly.

Mr. GRAFF. As I was saying, the Committee on Agriculture of the House propose to amend the Senate amendment by striking out, after the word "cream," all down to and including line 16, on page 6, and substitute the following:

That process butter or renovated butter is hereby designed to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting adulterated butter as defined by this act.

Renovated or process butter is a legitimate subject of commerce, as any healthful product should be, and this regulation which is sought by this bill is approved by the manufacturers of renovated or process butter themselves in the country. We did not wish to include the innocent and perfectly proper process of the country grocers from engaging in mixing different butters which they purchase from the farmer and put them in such a position that they might not market them together by mixing them unmelted.

I have a letter from C. H. Weaver & Co., dealers in butter, eggs, and poultry, 129 South Water street, Chicago, dated April 19, 1902, which I will read. It is as follows:

C. H. WEAVER & CO.,
BUTTER, EGGS, AND POULTRY,
129 South Water Street, Chicago, April 19, 1902.

DEAR SIR: We are the largest producers of "process" or "renovated" butter in the United States and third oldest in the business, having invested here and in our branches close to $200,000, and as such we desire to register our hearty approval of the provisions of the H. R. 9206, which relates to this article.

We are in favor of these provisions, as we believe the majority of the thirty manufacturers to be, because it will save our business from a number of evils which threaten it, namely, adulteration of the product and such practices upon the part of the trade that might result in the end in more stringent and unjust State legislation.

Our product has merit and a field. It is not what Congress believes it to be, a product of rancid, dirty butter worked over with the aid of chemicals. There may be such a product, but we are not familiar with it. It is our experience that process butter to be good must be made of the best possible dairy butter. Poor butter makes a poor product.

We are threatened with an era of adulteration in butter, however, which if not checked by some such provisions as are contained in H. R. 9206 will drive all manipulators of butter to be adulterators, because a few are already gaining advantage through adulterations that would cause others to resort to the same or go out of business. We are willing to be taxed $50, $100, $600, or even $1,000 per year and one-fourth cent per pound upon our product for the sake of having the Government take in hand this manipulation of butter and save us from being driven to questionable methods through competition. And we say further that in the end the farmer from whom we buy our raw material will profit many times the amount of the small tax imposed through the standing the Government guaranty of its purity will give process butter, a product now resting under unjust suspicion of being unwholesome if not unhealthful.

You will find no evidence that the process-butter makers have ever fought the laws of their States. Therefore we ask that in acting upon H. R. 9206, as amended in the Senate, you make no provisions which will unnecessarily injure our business.

The provisions of the Senate's amendments are complete; they provide for identification through a tax stamp, and sanitary inspection through the Agricultural Department. These provisions are in our interest, in the farmers' interest, and in the interest of the public. They will be lived up to, as there is not profit enough in the article to warrant the expense of fighting laws. We pay almost as much for the farmers' butter in the city as the creamery does the patrons in the country.

The "process" manufacturers with whom we come in contact, with one or two exceptions, take the same view of this matter that we have expressed. They have witnessed the retribution which the oleomargarine makers have brought about through their years of defiance and evasion of laws, and have no desire to follow in their steps and live under the odium which clouds that business. Those who desire to be honest welcome laws which will make the remainder so. State laws are often so loosely enforced as to tempt the few and compel the many to follow in order to protect their own business. Let us have a law that will be enforced through the taxing power and we will have no fear that our competitors are securing unfair advantage of us through its violation.

Therefore, in the name of honest dealing, the protection of the public, and the interest of those who produce the farm butter, from which is made this product, "renovated" or "process" butter, we commend the Senate amendments to the oleomargarine bill.

Respectfully, yours, C. H. WEAVER & CO.

Now, these dealers say that they are willing to be taxed $50 or $100, or $600 even, but the Committee on Agriculture thought that the thirty manufacturers engaged in manufacturing process or renovated butter might find it easier to form themselves into a monopoly in their business if they were taxed $600, the same amount of tax fixed by the bill for manufacturers of adulterated butter, and therefore the committee concluded to strike out the provision of $600 imposed upon the manufacturers of renovated and process butter and place instead simply a tax of $50, and yet sufficient to enable the Government to inspect and regulate the business and see what ingredients went into the manufacture of the renovated butter, and at the same time permit small dealers who desired to engage in the manufacture of renovated and process butter without laying upon them a heavier burden of taxation than they could bear.

In addition to this, the Senate committee imposed the tax, and a majority of the House committee concur, that we would lay a tax of one-quarter of a cent a pound upon renovated or process butter. It is necessary for the taxing power of the Government to be exercised in order to follow it up with proper regulation and inspection. And as to this imposition of a quarter of a cent per pound of taxation upon renovated or process butter, there is no objection from any source.

In addition to this, we found from investigation that the process through which renovated butter goes is clarification or refinement. It becomes regranulated when refined, and to clarify it it must necessarily be melted; so that the confining of the definition of renovated or process butter to that of melted by the House committee in the amendment to the Senate definition is all right, because there can be no clarification, there can be no refining of butter, except by going through the process of melting.

This House passed the oleomargarine bill under protest by many because it was claimed by those who voted against it that we selected our oleomargarine for inspection and regulation; that we threw the burden of these regulations around the manufacture and sale of oleomargarine while we left the field entirely unrestrained so far as the adulteration of butter itself was concerned; that the consumer, whom it is supposed we are to consult, to some extent at least, in this legislation, was not consulted, so far as his being protected in the matter of the purchase of butter and the guaranty to him that he should know what class of butter he purchased.

First, it must be understood that we propose to impose no restriction or tax upon pure butter under the law, and the only pure butter that does exist is butter that is made entirely and solely of pure milk and cream, with the necessary salt, and some coloration, if desired. We have classified the only two objectionable classes of butter which threaten the consumer's health and perhaps his palate.

This legislation, as we propose to amend it, does not interfere with the country storekeeper who does not have facilities for engaging, and, in fact, does not engage, in the business of clarifying or renovating butter through the process of melting. The bill does not include, as I have said, the processes of ladeling or mixing it without melting, for the market by the country grocer. So that we have treated the subject fairly and from all its bearings; and in addition to the taxation of one-quarter of a cent on renovated and process butter and 10 cents on adulterated butter, there goes with it the application of the Government stamp upon the article itself—the stamping of the renovated butter as renovated butter and the stamping of adulterated butter as adulterated butter.

Mr. MADDOX. Is that the provision of the Senate amendment,

that the adulterated butter is to bear a Government stamp and is to be taxed 10 cents a pound?

Mr. GRAFF. Yes, sir; but the adulterated butter is of such a character that no one ought to purchase it. No one ought to purchase it unless he purchases it coupled with the conditions of this bill. It is not fit for consumption.

The provisions of this bill give the officers of the Government authority to ascertain where adulterated butter is made. Manufacturers of adulterated butter are subjected to a heavier burden of tax than that which is levied upon the manufacture of oleomargarine. Six hundred dollars per year is fixed in the bill as the tax upon the manufacturer of adulterated butter. In addition to this, he must place a sign on the front of his manufactory—"Manufactory of adulterated butter." In addition to this, there are provisions in the bill for the inspection of renovated and process butter, and also of adulterated butter; and these articles, if intended for export, must be branded with the name of the class of butter which they in fact are; and they are subject to the inspection of governmental authority for export.

Of course the House is aware that no tax exists under the present law, nor is any sought to be levied by this legislation, upon oleomargarine or any class of butter which is exported, because that would not be constitutional, in my judgment. The only tax that Congress ever did levy upon any food product for export was, I believe, upon filled cheese, and litigation is now pending in which those interested in the exportation of filled cheese are seeking to recover back the tax paid by them upon the filled cheese which they did export.

Mr. WADSWORTH. Will the gentleman allow me a question? Where does this bill provide for the inspection of adulterated butter destined for export? I think the Secretary of Agriculture is empowered to inspect only process or renovated butter.

Mr. HENRY of Connecticut. As I understand, all the provisions of the original oleomargarine law are applied to adulterated butter, and that law provides for exportation without the imposition of any tax.

Mr. WADSWORTH. Then the two are mixed up in that way?

Mr. GRAFF. I call the attention of the gentleman from New York [Mr. WADSWORTH] to pages 10 and 11 of the bill—that portion of page 10 contained in lines 24 and 25 and that portion of page 11 extending from line 1 to line 8. These parts of the bill extend the provisions of the existing oleomargarine law, with reference to export, to adulterated butter.

Mr. WADSWORTH. I am much obliged to the gentleman for the explanation.

Mr. GRAFF. Mr. Chairman, there has been running through the debate, when this bill was heretofore before the House and in the remarks of the gentleman from Missouri, the idea that the greater portion of the butter of the United States is made by the creameries. But all that argument falls to the ground if it should turn out that comparatively a small portion of the aggregate amount of butter made in the United States is made by the creameries, while the major portion of it is made upon the farms of the United States. I have before me a document from the Agricultural Department, from which I desire to read.

Mr. GILBERT. What is the number?

Mr. GRAFF. It is Circular No. 36 from the Bureau of Animal Industry, and under the heading "Numbers and products of dairy farms" I find the following:

Farms: Total number in the country, 5,739,657. Reported as dairy farms—and under this report of dairy farms are farms deriving at least 40 per cent of their total income from the dairy—357,578. Reporting dairy cows, 4,514,210; number of cows in the country kept for milk on farms, 17,139,674; not on farm, or town cows, 973,033; total dairy cows, 18,112,707. Milk produced on farms, 7,266,392,674 gallons; from cows not on farms, 462,190,676; total amount of milk produced in the United States, 7,728,583,350 gallons. Under the head of "butter," butter made on farms, 1,071,745,127 pounds.

Mind you, this is the number of pounds of butter made, not simply from the milk of the farm, but made on the farm—1,071,745,127 pounds. Now, let us see how many pounds of butter are made in creameries as in comparison with that. It is 420,954,016 pounds. Total production, 1,492,699,143; so that less than one-third of the total amount of butter made in the United States is made in creameries, and more than two-thirds of the butter made in the United States is made, not simply from the milk of the farm, but on the farm itself.

Mr. FEELY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. GRAFF. I will.

Mr. FEELY. I wish to inquire for information if the purpose of this bill is not and its effect will not be to increase the number of pounds of butter made by creameries and sold to consumers and to decrease the number of pounds of butter made by farmers, as the gentleman speaks of.

Mr. GRAFF. It will not, for the reason that the bill only imposes a tax upon classes of butter which are not made by the farmer, but which are manipulated by manufacturers of renovated and process butter or adulterated butter.

Mr. FEELY. One other question. Will not the restrictions placed here on the manufacture of process or renovated butter operate throughout the country to the building of creameries and necessarily place them under a unified creamery control and the shutting out of the farmer in the ordinary store of butter?

Mr. GRAFF. I do not think so.

Mr. GAINES of Tennessee. Will the gentleman yield to a question?

Mr. GRAFF. Certainly.

Mr. GAINES of Tennessee. This morning the gentleman from Missouri [Mr. COWHERD] regaled the House on the great rise in the cost of butter now and said that it was because of this proposed legislation, I believe. I would like to inquire if the gentleman has anything there which will give the House the value of butter previous to this general use of oleo of last year or the year before last. Let us get a comparison, if we can, of that kind.

Mr. GRAFF. I have. I have a list here of the prices of the best creamery butter for sixteen years: 1886, 25 cents and a fraction; 1887, 25 cents and a fraction; 1888, 26 cents and a fraction; 1889, 22 cents and a fraction; 1890, 22 cents; 1891, 25 cents; 1892, 25½ cents; 1893, 25.7 cents; 1894, 22 cents; 1895, 20.6 cents; 1896, 17.8 cents; 1897, 18.4 cents; 1898, 18.8 cents; 1899, 20.6 cents; 1900, 20.7 cents; 1901, 21.7 cents.

Mr. MANN. For what time of the year is that?

Mr. GRAFF. Oh, this is the average of price of the best creamery butter on the Elgin market for the past sixteen years.

Mr. MANN. The average for the year is not any good. Have you the price for a specific month?

Mr. BURLESON. If the gentleman will permit me I will give the price for the specific month. I read from the Crop Reporter, issued by the Agricultural Department. In April, 1896, butter sold—the best creamery extra butter—for 14 cents; in 1897, 17 cents; 1898, 17 cents; 1899, 17 cents; 1900, 17.5; 1901, 18 cents; 1902, 29 cents.

Mr. GRAFF. What does the gentleman mean by 1902?

Mr. BURLESON. April.

Mr. GRAFF. Oh, the month of April.

Mr. BURLESON. The same period of time during each year.

Mr. GRAFF. But the month of April would be the very poorest month in the entire year for the purpose of measuring the true price of butter or the average price which the consumer would have to pay.

Mr. MANN and Mr. SCOTT rose.

Mr. GRAFF. I desire to have the opportunity to reply to the questions which have been asked me, gentlemen. Right at this time we are between hay and grass. In the course of three weeks we will be right in the middle of grass butter. Anyone who would invest in butter at this time, produced at the most unfavorable period in the year, would have to compete with the grass butter which will come in less than three weeks. He would not have a fair opportunity.

Mr. WILLIAMS of Mississippi. But if the gentleman will excuse me, were you not in exactly the same position in April of last year and in April the year before that?

Mr. GRAFF. It is not a fair comparison.

Mr. WILLIAMS of Mississippi. But the comparison is fair between the same months in different years.

Mr. GRAFF. This is the time of the transition period from hay butter to grass butter. It is a time when no one can place any credence on the permanency of the price of butter, and it is not a fair index.

Mr. MANN. Mr. Chairman——

Mr. GRAFF. Oh, I want to conclude my speech to-day.

Mr. MANN. We will give you plenty of time.

Mr. GRAFF. I want to read an interesting telegram just received for the benefit of the gentleman who just asked me the question:

Butter market has declined to 27½, a fall of 5½ cents in four days, due to increased supply.

That is due to the increased supply coming upon the market, which will soon be face to face with the competition of the grass butter.

Mr. MANN. Does the gentleman claim that grass butter does not come in, in his part of the country, earlier than now?

Mr. GRAFF. It comes in whenever the grass is up so that the cows can eat it.

Mr. MANN. The grass has been up in central Illinois, where the gentleman comes from, for nearly a month.

Mr. WILLIAMS of Mississippi. Did not grass butter come in

just as soon last year, and the year before, and the year before that, as it does this year?

Mr. GRAFF. I suppose it did.

Mr. MANN. It has been on the market in Chicago for three or four weeks.

Mr. WILLIAMS of Mississippi. If you object to taking April because it is the transition period between hay and grass, why do you object to taking April of last year and the year before that and the year before that, and comparing those April prices with the April prices of this year? April was as much a transition period then as now.

Mr. GRAFF. The price of butter will usually be high in April, because usually it is scarce in that month; because manufacturers of butter do not seek to flood the market with butter during that period of the year.

Mr. WILLIAMS of Mississippi. But they did not seek it last year either.

Mr. GRAFF. But you gentlemen try to produce statistics, selecting what you believe to be the highest period of the year for butter.

Mr. BURLESON. This is the crop report for this month.

Mr. GRAFF. If you propose to find out whether there is an excessive price or not, the more logical course would be to take the average price of the product for the entire year, taking the favorable periods and the unfavorable periods.

Mr. COONEY. I should like to make a suggestion along that line to my colleague, that the question of the high price of feed comes in at this time, when a great many cows are being fed on the feed of last year.

Mr. WILLIAMS of Mississippi. But it was the same last year, though.

Mr. COONEY. No; we are passing through a different condition from what we have passed through at this time for several years. The winter fodder has been pretty well eaten up, and a great many cows have gone dry. Is there not something in that?

Mr. GRAFF. I think that is a very important element in the case.

Mr. BURLESON. But it does not consist with that telegram, which says that the supply of butter has increased.

Mr. GRAFF. Certainly; there happens to be an oversupply of butter at the New York market.

Mr. GAINES of Tennessee. If this bill passes will not the farmers and butter makers increase their stock of cattle and invest more money in the dairy business?

Mr. GRAFF. That is true.

Mr. GAINES of Tennessee. And is not that business now being discouraged and broken down in the country by reason of this fraudulent stuff that is put on the market?

Mr. GRAFF. That is true.

Mr. HASKINS. What fraudulent stuff?

Mr. GAINES of Tennessee. Oleomargarine.

Mr. MANN. And colored butter!

Mr. GRAFF. I have some interesting statistics in connection with the subject to which the gentleman from Tennessee alluded, and that is the connection between the live-stock interest and the butter interest. As a matter of fact they go hand in hand.

Last year Hoard's Dairyman made an investigation of the profits derived by owners of cows who produce milk for the creameries. Dunn County, Wis., was selected, and the owners of 52 dairies were visited. This representative found the 52 farmers kept 647 cows. The following statement gives the result:

Average pounds of butter per cow	220
Average returns from creamery per cow	$39.51
Average cost of feed per cow	$27.00
Average net price of butter per pound, after deducting cost of making and marketing (about 4 cents per pound)	$0.1709
Value of butter, over and above cost of feed, per cow	$12.51
Cost of hauling milk to creamery, per cow	4.50
Net income to farmer for time and labor in caring for a cow 365 days	8.01

Or, reducing to further details, with 21½ cents average wholesale price for his butter, the farmer received 1½ cents net for his labor each milking, or 2¾ cents a day for taking care of a dairy cow, after paying for her feed and hauling of milk.

The record shows during the period up to 1898 and 1899 a decreased amount in the manufacture of butter. The shipments to the cities show that. The statistics of the Agricultural Department show that and the statistics also show that the milch cows are being shipped to the cities for the purpose of being killed for beef.

Mr. GAINES of Tennessee. Can the gentleman state how the number of milch cows has diminished?

Mr. GRAFF. I have no statistics on that.

Mr. BURLESON. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes, sir.

Mr. BURLESON. I submit very rightly the suggestion made by the gentleman from Missouri the high price of butter might have been explained by the increased price of food stuff, like hay, etc.

Mr. GRAFF. Yes, sir.

Mr. BURLESON. Then how do you account for the decreased price of milk at the same time?

Mr. GRAFF. I do not know. Where do you get the statistics on that?

Mr. BURLESON. It is unquestioned. The market reports show that.

Mr. GRAFF. If the price of milk goes down under the manipulation of the creameries, what will be the result? The result will be that the farmer will retain the milk and make his own butter. That is the solution of that problem. It needs no aid of legislation to correct that problem. It will correct itself.

Mr. BURLESON. I was not asking you the results, but for an explanation.

Mr. GRAFF. I do not know of any man who can explain the reason for all prices in the country, and you can not put the philosophy of all economy in a nut shell.

Mr. HENRY of Connecticut. The price of milk always falls in the spring of the year.

Mr. WILLIAMS of Mississippi. But the price of butter has also gone up, and the price of milk has gone down. That is the proposition you are faced with.

Mr. MANN. For the first time, ever.

Mr. BURLESON. And that is shown by statistics.

Mr. HENRY of Connecticut. I think it is owing to the beef trust.

Mr. MANN. It is a popular thing to put everything on the beef trust now.

Mr. GRAFF. Right in connection with the discussing of the milch cows and the shipping of them by the farmers, he goes out of milk business when he ships them to the cities to have them killed for beef. I may say that that bears very immediately upon the question of the cattle interests, and when the farmer is enabled to add to the profit by the sale of his milk from the cow raising the calf, these two elements enter into the consideration of his business in that connection, and the raising of the calves and the keeping of the milch cows are coupled together irresistibly on the basis of the beef interests and coupled with the number of cattle in the country are determined by the farmer being enabled to profitably retain his milch cows.

Mr. MANN. Will the gentleman answer a question?

Mr. GRAFF. I will answer it, if I can.

Mr. MANN. The gentleman makes an argument in favor of this bill in order to produce a greater number of cattle. I may be mistaken, but I had an impression that it was the custom in the creamery districts to knock the bull calves in the head, that it never paid in the creamery districts to feed milk to a bull calf, and that it was not the custom, and that all they raised was the heifer calves.

Mr. GRAFF. That may be true as to those farmers who derive 40 per cent of their profits from the sale of milk, but I say here that the other two-thirds or three-fourths or at least a larger proportion is produced by the farmer who does not rely upon the making of butter alone and does not maintain the milch cow for that purpose alone, but it is an incident to his business and a profitable incident; and the fact that the amount of butter produced in this country was lessened during the period of years preceding 1901 shows that we can legitimately say that the cause of that was the unjust competition in the sale of oleomargarine with the cow butter.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Illinois has kindly yielded to me to ask of the committee unanimous consent to print some remarks on this bill at some point of time after the close of the debate. I intended to have spoken on this question along the line of my former speech, but I find that I must leave for several days, and the time is about up, and therefore I ask this consent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Illinois. Will the gentleman yield to me for a question?

Mr. GRAFF. Yes.

Mr. FOSTER of Illinois. The gentleman says that the general purpose of this bill is to prevent the fraudulent sale of oleomargarine under the guise of butter. Is there anything in this bill which would prevent the imposition on the public of adulterated or renovated or process butter in the guise of butter?

Mr. GRAFF. Certainly there is.

Mr. FOSTER of Illinois. The gentleman refers to the provision on page 9 of this bill?

Mr. GRAFF. Perhaps the gentleman has got the wrong bill. There are extensive provisions covering the taxation of the manufacture and the article itself and the inspection of both renovated

and adulterated butter at the factory, and the consumer is protected in the purchase of it and it is subject to inspection for export.

Mr. FOSTER of Illinois. On page 9 of this bill it says that the "dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from the same shall be placed in suitable wooden or paper packages," etc. Does the gentleman think that will prevent fraud?

Mr. GRAFF. Oh, I see the object of the gentleman is to renew the discussion which occurred at the time the original bill passed the House.

Mr. FOSTER of Illinois. I was about to call the attention of the gentleman to the fact that it has been the contention of gentlemen on the other side of this question that such a provision, the identical provision here contained in the present law, does not prevent the imposition of fraud on the part of dealers.

Mr. GRAFF. I think the House passed upon that question. Adulterated butter is coupled with a tax of the same amount as that which is made upon colored oleomargarine, and renovated-process butter is placed upon exactly the same level as uncolored oleomargarine.

Mr. FOSTER of Illinois. I understand the bill provides for a tax of one-quarter a cent a pound.

Mr. GRAFF. Upon renovated or process butter, and 10 cents a pound on adulterated butter.

Mr. FOSTER of Illinois. If you intend to prevent the imposition of fraud on the public, why do not you impose a tax of 10 cents on renovated or process butter?

Mr. GRAFF. Because we desire to draw a distinction between the two classes of butter. Because there is a distinction as regards healthfulness as a food product.

Mr. FOSTER of Illinois. Will this provision prevent the public from being deceived in buying adulterated or renovated butter for pure creamery butter?

Mr. GRAFF. In my judgment, it will amply protect them.

Mr. FOSTER of Illinois. Then why will it not protect them in buying oleomargarine for pure creamery butter?

Mr. GRAFF. Because while adulterated butter is objectionable, it is still butter, and the laying of a heavy tax upon it would seem adequate to any reasonable person, and perhaps throw it out of the market altogether. It might be questionable whether it ought to go into the market. The attitude of oleomargarine is that it is sought to sell it as another article; it is sought to be sold as butter. I do not care to renew the argument, which it seems was complete enough to satisfy most anybody when the original bill was discussed in this House.

Now, Mr. Chairman, I want to say in conclusion that we have attempted to follow the majority in this House, and even the indications or the desire of the minority, when they claimed that it was unfair that we did not deal with both articles. We have done so. We have attempted to draw the bill so as to be fair, so as to protect the men engaged in the business. I believe that if uncolored oleomargarine can be sold upon its merits, if it meets with the demand when it is known upon its merits, it will result in the increased sale of the production of uncolored oleomargarine. If in the fair trade in oleomargarine it is coming, then it ought to come, and if it is desired by the public, the fact that it is labeled, and identified, and inspected will give the consumer double the assurance of what he is getting. [Applause.]

Mr. WADSWORTH. I now yield thirty minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, the minority of the Committee on Agriculture have no disposition to delay the House by a protracted and profitless discussion on the merits of this measure. In regard to the amendments to the Senate amendments, which are now properly before this committee, which will be offered by the majority of the Committee on Agriculture, I wish to say the minority will, for the most part, concur. The minority, however, will have some additional amendments to offer at the proper time in order, as they believe, to make this bill consistent with itself and more adequately to guard the interests of the consumers of butter.

In a general way I may say that the Senate amendments assume to treat adulterated butter in substantially the same way that the original bill proposed to treat oleomargarine. The Senate amendments make a distinction between adulterated butter and process or renovated butter. It is the belief of the minority of the Committee on Agriculture that in practice, after this bill goes into effect, there will be no adulterated butter on the market. It would seem to go without saying that there will be no demand for a product which admits itself on its face to be impure, unwholesome, and deleterious to the public health. It is the opinion of the minority, therefore, that the firms and factories which have heretofore been engaged in the manufacture of adulterated butter will, after the passage of this bill, endeavor to continue the manufacture of the same product under the designation of process or renovated butter. Hence we believe that it is absolutely essential for the proper protection of the consumer that the same safeguards should be thrown around the manufacture and sale of process and renovated butter as the Senate amendment assumes to throw around adulterated butter, and the amendments which we shall offer will be aimed in that direction.

While, as I stated in the beginning, we have no wish to protract the discussion on this bill, I do desire to call the attention of the House very briefly to certain facts and certain expressions of sentiment which seem to me to confirm with great emphasis the position of those of us who opposed this bill when it was formerly before the House for consideration. It was our contention at that time that the legislation proposed in what has become so widely advertised as "the Grout bill" was brought forward here at the behest and for the benefit of a selfish and powerful interest. We believed (to state the matter frankly) that that bill was the result of an agitation carried on by a combination of the great creamery interests of this country, having in view the breaking down of the competition of another product which went into the same markets. It was our contention at that time that the interest which was behind that legislation had no regard for the consumer, was not influenced by any desire to protect the health or the pockets of the purchasers of butter, but was governed solely by selfish considerations.

In confirmation of the view then expressed, I desire to call the attention of the House to a condition of facts very clearly set forth in a newspaper article which is brief and which I will read. It is from the Sussex (N. J.) Independent, a newspaper published in the center of one of the greatest dairy sections of this country. The article reads as follows:

THE DAIRY SITUATION—THE RECENT DROP IN THE PRICE OF MILK UNWARRANTED BY CONDITIONS—MILK GOES DOWN IN FACE OF THE FACT THAT IT IS SCARCE AND BUTTER IS HIGHER THAN IT HAS BEEN IN MANY YEARS.

In previous years during the second week in April butter has always taken a drop in price.

Milk has correspondingly dropped in price.

Who can explain the conditions to-day? Last week the price of creamery butter jumped to 31 cents per pound, and it is an acknowledged fact that milk is scarcer at this time in April than it has been at the same time in many years, for several reasons. First, the cows in commission are giving less than their average quantity of milk. Many farmers are out of hay and there is no grass. Feed is just as high in price as it was at any time last month. Farms that have been overstocked beyond their feed-growing capacity have reduced their herd, and no particular new milk territory has been opened, and ten cooperative creameries are in operation now where one was going five years ago.

Naturally, this explains the shortage of milk, but in the face of this, what explains the action of the milk exchange on Monday?

If the oleomargarine bill pending in Congress becomes a law it will reduce the sale of that article from 100,000,000 pounds a year to practically nothing.

With 100,000,000 pounds of oleo and large quantities of process and renovated butter also withdrawn from the butter market there will be room for 100,000,000 pounds of real butter in addition to the present supply.

At 10 quarts of milk per pound of butter it will require 1,000,000,000 quarts more of milk per year to supply the extra butter. This means that to the present number of milch cows in the country there must be added 363,300 cows that yield 3,000 quarts of milk per head per year, or 436,000 cows that yield 2,500 quarts each, or 545,000 cows that yield 2,000 quarts each, or 725,000 cows that yield 1,500 quarts each, or over 900,000 cows that yield the 1,200 quarts estimated to be the average yearly production of the cows of the country as a whole.

Can there be any surplus of milk, butter, and cheese until this very large addition to dairy cows is made?

The substance of that article is condensed in another statement, which I will give to the House, showing that the price of milk in New York April 1, 1901, was 2¼ cents per quart; that butter in the same market on the same day of last year was 21 cents per pound; that milk in April of this year is 2¾ cents per quart, while butter is 28 cents per pound. In other words, we find, comparing the prices of milk and butter in April of last year with the prices of the same articles in April of this year, an addition of one-tenth of 1 per cent in the price of milk, as against a gain of 33⅓ per cent in the price of butter. Is not that conclusive evidence that the price of these products is absolutely under the control of a combination, and that this combination has put down the price of milk at the same time that it has arbitrarily advanced the price of butter?

Mr. COONEY. Has the gentleman the figures showing the comparative amount of milk produced at the given period in each year, and also comparatively the number of pounds of butter produced at the same periods?

Mr. SCOTT. I have not that information.

Mr. COONEY. Suppose that there had been an increased production of milk and not a corresponding decrease in the production of butter, might not that fact produce such an effect as the gentleman mentions?

Mr. SCOTT. I have assumed that the conditions in April, 1901, were substantially the same as the conditions in April, 1902. I can not conceive of conditions being such at to result in an increased production of milk without a corresponding increase in the production of butter. As a matter of fact, it is known to all of us that the conditions for the production of milk and butter

are much worse this year than they were last year. It is reasonable to assume, and it is a matter of common knowledge, that there is less milk produced and consequently a scarcity of butter. I admit at once that there is a good reason for the advance in the price of butter, but I insist that the price of milk should keep pace with the advance in the price of butter, and that there is no reason for a depreciation in the price of milk at the very time when there is an advance in the price of butter.

I remember that the gentleman from Illinois [Mr. GRAFF], in the remarks which he had occasion to submit a few minutes ago to the House, objected very strenuously to a comparison which attempted to show the price of butter in April of last year and April of this year. He insisted that April is a season when we are between hay and grass, when the conditions are bad for the production of butter, and that it is unfair and inconsistent to attempt to draw such a comparison; but I submit that the conditions in one year in April are substantially the conditions of another year in the same month, and that the comparison drawn by the gentleman from Texas [Mr. BURLESON] was absolutely justified.

Now, in further substantiation of the remark I made in the beginning touching the attitude taken by those who opposed this measure when it was first before the House, and in confirmation and emphasis of the correctness of that position, I desire to read a paragraph from a letter which I received recently from the manager of the Continental Creamery Company, at Topeka, Kans. The writer of this letter says:

> In regard to the $600 license tax imposed by the Harris amendment upon manufacturers of process butter, I assure you it will not interfere with the business of the creameries in Kansas. My concern is doing a very large process-butter business, more, perhaps, than any other plant in the United States, and I assure you that the Harris amendment, as covering process butter and adulterated butter, gives great credit to Senator HARRIS. It is just and equitable in every way, and we would be very much pleased indeed if these amendments would be concurred in by the House and the bill passed just as it passed the Senate.

Now, bearing that in mind, I wish to read a single sentence from a letter addressed to me by the manager of a creamery, an independent concern running with a small capital in my own town, an institution which is not included in the creamery trust. This gentleman says:

> We are willing to pay the one-quarter cent per pound revenue if necessary, but the manufacturers, wholesalers, and retailers' license will put dairy butter out of existence.

Now, I call your attention to the point which I think is clearly made by the extracts which I have read from these two letters. The first is from the manager of a great combination of interests, a combination which controls 400 creameries in a single State, a combination which produces a million pounds a year of process or renovated butter.

The second extract which I read in your hearing was from a man who is managing his own little creamery in a small town, outside of and independent of the trust. The manager of the trust gives the glad hand to this amendment, which imposes a tax of $600 a year on the manufacturers of renovated or adulterated or process butter. Why? Because he knows just exactly what my friend from my own town says—that the imposition of that tax will drive out of existence the small creameries. It seems to me there can be no other reason why this great interest should welcome such heavy taxation. That it does so is assuredly "confirmation strong as proofs of holy writ" that the declarations made upon the floor of this House to the effect that this legislation was demanded by the great butter factories for the benefit of their own selfish interests is more than justified. Why, otherwise, should the manager of this great combination come here and ask that this House impose what he knows will be a prohibitory tax upon the men engaged in a small way in his own business?

In addition to what has already been said, and referring in this respect but very briefly to what might be regarded as the general merits of this measure, the minority of your Committee on Agriculture are of the opinion that the bill as now before this House, carrying with it the Senate amendments, does not give adequate protection to the consumer of butter, for the reason, as suggested a few moments ago by the gentleman from Illinois, Mr. FOSTER, that there is no safeguard drawn about the sale of adulterated butter further than that which is now thrown about the sale of oleomargarine. I was amazed that the gentleman from Illinois, Mr. GRAFF, fell into the trap which his colleague evidently laid for him, by admitting or by asserting it as his opinion that the provisions of the Senate amendment would give ample protection to the consumers of adulterated butter.

Why, the gentleman—I regret he is not in his seat—certainly knows that the provisions of the Senate amendments guarding the sale of adulterated butter are precisely the provisions of the present oleomargarine law, passed in 1886, regulating the sale of that product. Therefore, when he admits that the provisions safeguarding the sale of adulterated butter as laid down in this bill are sufficient and ample he admits that the provisions safeguarding the sale of oleomargarine are ample, and therefore that there is no reason whatever for the passage of this original bill. Upon his own confession I submit that no other conclusion can be reached.

The gentleman from Illinois [Mr. GRAFF] read statistics here from a public document to the effect that less than one-third of the butter produced in the United States is made in creameries, while more than two-thirds is manufactured on the farms. It is not necessary for the purpose of this argument to dispute the correctness of those figures; and yet the gentleman himself would be the first to admit that it is the organized corporations who produce the one-third of the butter of the United States, brought together by a community of interests, who are able absolutely to control the price of butter. There is not a man on the floor of this House who will claim that the price of butter in any city market is controlled in the slightest degree by the butter produced by the farmers in their own homes. The contention that the creameries have nothing to do with regulating the price of butter, or, indeed, that the farmers realize their proper proportion of the present high prices, can not be maintained.

As I stated in the beginning, Mr. Chairman, I do not desire to delay the House, and I shall not at this time ask for further indulgence. At the proper time the members of the minority of the Committee on Agriculture will ask leave to offer certain amendments. These amendments will be offered seriously and in good faith, because it is our belief, after a careful and thoughtful study of this measure, that the amendments which we offer will be in the direction of consistency, will be in the interest of the consumers of butter in the United States, and will at the same time in no manner militate against the interest of the honest manufacturers of and dealers in pure butter.

Mr. MANN. Mr. Chairman, it is not my intention to detain the House at any length.

The CHAIRMAN. One moment. The gentleman from New York [Mr. WADSWORTH] is entitled to the floor. He yielded a portion of his time to the gentleman from Iowa.

Mr. MANN. I will take the floor in my own right.

The CHAIRMAN. But the gentleman can not take the floor in his own right in the time of the gentleman from New York.

Mr. MANN. Let the gentleman from New York finish his time then.

Mr. WADSWORTH. I reserve the balance of my time.

The CHAIRMAN. Then the gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, this bill has been changed somewhat since it went through the House, but it does not seem to me that it has been improved any. I was not one of those in the House who voted, when the bill was previously before the committee, for the amendment in regard to process or renovated butter. I did not join with those of my friends upon this floor who were opposed to the passage of this bill in putting that amendment into the bill, because it seemed to me that the same objections to the oleomargarine bill itself applied equally as well to the bill in relation to the manufacture of process or renovated butter. I do not believe, Mr. Chairman, that it is the province of Congress to determine, through the internal taxing power, what shall be eaten or how it shall be manufactured.

I know very well that this bill is before this Congress because some genius originated a plan by which he could make two blades of grass grow where only one grew before. In the history of mankind, up to this time, we have flattered and praised the man who was able to make two blades of grass grow where only one grew before; but now we are engaged in the business of attempting to blot out the second blade of grass in order to prevent rivalry with the first blade.

Mr. Chairman, gentlemen in opposition to the bill on the floor to-day have called attention to the rise in the price of butter, while milk is decreasing in value, and the gentlemen in favor of the bill have indignantly denied that it was the result of this bill. I confess, Mr. Chairman, I do not believe that the passage of this bill, so far as it has progressed to the present time, has had a great effect upon the rise in the price of butter; but if it were not the belief of the gentleman from Connecticut [Mr. HENRY] and the other gentlemen who are advocating this bill that it would increase the price of butter, the bill would not receive a single moment's consideration upon the floor of this House. They would be the ones who would be disappointed. This bill is brought before Congress for the purpose of taking money out of the pocket of the consumer and placing it in the pocket of the producer of butter, and if that were not the fact no one here would be so mean and lowly that he would vote for the bill.

And now having, as they think, accomplished the purpose as to oleomargarine, they go further and say to the man who has made butter that if his butter becomes rancid he shall not cleanse it.

Mr. Chairman, when this bill was considered by the House

before, and the process-butter amendment was adopted by the votes of gentlemen opposed to the bill in part, I said then that the creamery men would be the ones most earnestly in favor of that amendment when they discovered what it was, because they have had to meet the opposition of the process and renovated butter in the past and in the present as well as oleomargarine. Why, Mr. Chairman, to-day in the markets of New York City renovated butter is quoted within 2 cents of the highest price of the best creamery butter. No objection to it, perfectly good and wholesome; but it comes in competition with the creamery butter, and therefore the creamery men wish to crush it out.

Mr. Chairman, I do not wish to make any pretense or claim that I have better knowledge or as good knowledge as the gentlemen who are especially interested in this bill. There is in the district which I happen to have the honor to represent no single oleomargarine manufactory, not one, so far as I know, concerned in any way whatever in the manufacture of oleomargarine or in the manufacture of process or renovated or adulterated butter, and no one in my district who has a special interest in this bill except as a consumer of butter. The question of oleomargarine has been discussed before the House. I do not propose to detain the House with any discussion in reference to that subject. The few words that I say upon the subject of adulterated or process butter is from no personal interest of my own or any personal interest of my constituents, but solely because I believe that the theory of such a bill is adverse to the principles of our form of government.

What does the amendment in this bill propose? It proposes that wherever butter has become rancid it shall not be cleansed, and no one in favor of the bill explains or can explain or deny that proposition. The provision in this bill is absolutely that if dairy butter or creamery butter becomes rancid—and we all know that a large portion of the dairy butter made on the farm does become rancid—then no one can use any substance whatever for the purpose of deodorizing it or removing the rancidity from it without paying a tax of 10 cents a pound. Other people, and at other times, would urge that there be an opportunity given to make good, to make over a spoiled article of commerce. But here is a provision for what they call adulterated butter; it is easy to say adulterated.

I would better say that the statesmanship that brought in this bill was adulterated statesmanship; it would be easy to so characterize, but that would not be proof. This bill defines as adulterated butter that which contains any substance except the butter itself. It requires the aid of no ingredient to make adulterated butter. The manufacturer of process butter who takes a barrel of butter, some of which is rancid, melts it, and uses air, pure air, and water, for the purpose of removing the rancidity, under this bill is a manufacturer of adulterated butter and is liable to a tax of 10 cents a pound in addition to the annual license.

I know very well that is not the intention of the Agricultural Committee, which has framed or agreed to this amendment; but that is the result of the language of the amendment.

Adulterated butter—

In one of the definitions of it in this bill is—

any butter or butter fat with which is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream—

Or—

in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom.

Now, of course, under this definition of process butter, melted butter, which is thoroughly cleansed by the use of air or water, would under the terms of this bill become adulterated butter.

Mr. DAVIDSON. No.

Mr. MANN. Ah, the gentleman from Wisconsin says "no." I asked the distinguished gentleman from Wisconsin, when this bill was considered in this House before, whether it would have the effect of increasing the price of butter, and he said "no," but he left his answer out of his printed speech. He would not be so strongly in favor of this bill if his constituents were not, and they would not be in favor of the bill if they did not believe it would increase the price of creamery butter. This plainly provides that any butter which is refined, melted, or in which any other manufacturing process is used in it which uses water or air, shall be called adulterated butter and pay a tax of 10 cents a pound.

Now, process and renovated butter is defined to be butter where—

no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing the rancidity therefrom, and to which no substance or substances foreign to pure butter have been added with intent or effect of cheapening cost.

That is the trouble with this bill in another respect. The whole theory of the bill is to prevent anything which will cheapen the cost. Who would have supposed that in the American Congress, in the twentieth century, they would actually propose a bill in which they proposed to make it a finable offense to cheapen the cost of an edible article?

Mr. Chairman, a good deal of complaint has been made in the papers in the last few days and weeks in reference to the beef trust. I do not propose to discuss that subject at this time, but, Mr. Chairman, who in this Hall would rise and advocate a bill to increase the power of the beef trust? If beef products have risen in value because of the trust, because of the agreement between the producers of dressed meat, then why has butter increased in value as milk went down in price? Who here would rise and vote to increase the price of beef? But you gentlemen who propose to pass this bill propose to increase the price of butter, which is just as essential to the table of the American citizen as is beef, and I warn you that when legislation of this kind is commenced and enacted into law, the end of fair government can not be long delayed unless statesmen with a higher idea of devotion to their country and less devotion merely to the selfish interests of their constituents shall prevail. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. CROOK, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On April 22, 1902:

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

OLEOMARGARINE BILL.

The committee resumed its session.

Mr. HENRY of Connecticut. Mr. Chairman, I now ask that general debate may be closed and that the Senate amendments be taken up in order for consideration.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that general debate be now closed and the Senate amendments be taken up in their order for amendment or concurrence? Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Senate amendments be read, subject to amendment, by paragraph instead of by section. Some of the sections are long, and it would be much better to amend the paragraphs as we go along.

The CHAIRMAN. Does the Chair understand the gentleman from New York to ask unanimous consent that the entire Senate amendments be first read?

Mr. WADSWORTH. Oh, no; I ask that we read the amendments by paragraph instead of by section.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the Senate amendments be read by paragraph if there be more than one paragraph in an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read Senate amendment No. 1, as follows:

In line 4, page 1, after the word "imitation," insert "process, renovated, or adulterated."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 2, as follows:

On page 2, lines 10 to 14, strike out "*Provided*, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend to the House concurrence with that amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 3, as follows:

In line 24, page 2, after the word "family," strike out the words "and guests thereof" and insert the word "table."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in the Senate amendment.

The motion was agreed to.

The Clerk read Senate amendment No. 4, as follows:

In line 25, page 2, and line 1, page 3, strike out the words "ingredient or" and insert the word "artificial."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in that amendment.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment.

Mr. WADSWORTH. I think this perhaps is a separate amendment. I want to insert on page 3, after the word "coloration," the words "except colored butter."

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the committee recommend that the House concur in the Senate amendment No. 4.

The question was considered, and the motion was agreed to.

Mr. WADSWORTH. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 1, page 3, after the word "coloration," the words "except colored butter."

Mr. HENRY of Connecticut. A point of order, Mr. Chairman. The Senate amendments should first be considered.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HENRY of Connecticut. That we should first consider the Senate amendments.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Can any amendment be offered to the bill passed by the Senate where the same has passed the House except to concur in the Senate amendment with an amendment?

The CHAIRMAN. The Chair is of the opinion that such an amendment as is offered by the gentleman from New York is not in order, and therefore declines to entertain the amendment.

Mr. MANN. Now, Mr. Chairman, I move to reconsider the vote by which the last amendment was concurred in.

Mr. HENRY of Connecticut. Against that I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that it is not in order to reconsider a vote in the Committee of the Whole, and the Chair sustains the point. It can be done only by unanimous consent.

Mr. MANN. I ask unanimous consent, because the amendment was sent up by the gentleman from New York as an original amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent——

Mr. HENRY of Connecticut. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. WADSWORTH. Now, Mr. Chairman, I offer the following as a substitute to the paragraph so that it will read:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration, except colored butter, that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

Mr. TAWNEY. I make the point of order that that is a substitute entirely changing the text of the bill which the House and Senate have agreed to.

The CHAIRMAN. The Chair does not understand what the paragraph is that the gentleman wishes to amend. In place of what paragraph is the substitute offered?

Mr. TAWNEY. He offers the paragraph in the original bill, beginning at line 22, page 2, and ending at the end of line 4, on page 3, and I make the point of order that it entirely changes the text of the bill, to which the House and Senate have agreed.

Mr. WADSWORTH. My proposition is to substitute for the paragraph beginning line 22, page 2, and ending with line 4, page 3——

The CHAIRMAN. Does the gentleman from New York [Mr. WADSWORTH] desire to be heard on the point of order made by the gentleman from Minnesota.

Mr. WADSWORTH. I simply submit that the substitute is absolutely in order and that my amendment is germane.

The CHAIRMAN. The Chair is of the opinion that if this matter were before the House for the first time the substitute amendment might be in order; but this bill has been passed by this House, and the portion of it to which the gentleman from New York offers a substitute has been passed also by the Senate. It is not in order for the House to amend that portion of the bill. The Chair therefore sustains the point of order.

Mr. WADSWORTH. Do I understand by that ruling that no amendments to the Senate amendments are in order?

The CHAIRMAN. The Chair is of the opinion that amendments to the Senate amendments are in order, but not to the text of the bill which has been agreed to by both Houses.

Mr. WADSWORTH. My proposition is an amendment to the Senate amendment.

The CHAIRMAN. But the proposition is to substitute new matter for a portion of the text of the House bill which has been agreed to by the Senate.

Mr. WADSWORTH. I put my proposition in that form because the Chair had decided that I could not offer it as a simple amendment.

The CHAIRMAN. The Chair will state that the first amendment offered by the gentleman from New York was to amend the text of the House bill which has been agreed to by the Senate, and was not an amendment to the Senate amendment. It was on that ground alone that the Chair ruled it out of order.

Mr. MANN. I rise to a parliamentary inquiry. Certainly I suppose it was in order to move to concur in the Senate amendment with an amendment. Now, the gentleman from Connecticut moved to concur in the Senate amendment, and the gentleman from New York offered an amendment to that motion, which certainly was in order, as a motion to concur in the Senate amendment with an amendment.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois that he is wrong in his premises. The amendment offered by the gentleman from New York was not an amendment to the Senate amendment nor a proposition to concur with an amendment, but was an amendment to the text of the bill which had been agreed to by both Houses.

Mr. MANN. If the Chair will permit me further, the gentleman from Connecticut moved to concur in the Senate amendment, which of course was in order. The gentleman from New York offered an amendment as an amendment to the motion of the gentleman from Connecticut. Thereupon the amendment of the gentleman from New York was ruled out of order.

The CHAIRMAN. If the Chair may be permitted to state the parliamentary situation, it is this: The gentleman from Connecticut made a motion to concur in Senate amendment No. 4, which simply strikes out the words "ingredient or" and inserts in place thereof the word "artificial." Then the gentleman from New York rose to offer an amendment which the Chair understood to be an amendment to the Senate amendment, and therefore ruled that it had precedence of the motion of the gentleman from Connecticut; but when the amendment of the gentleman from New York came to be read it was found to be a proposition to insert in the text of the bill, as agreed to by both Houses, after the word "coloration," line 1, page 3, being a part of the text of the bill not amended by the Senate—to insert at that point certain other matter, which the Chair thereupon ruled out of order.

Mr. MANN. If the Chair will permit me further, is it not in order to concur in the Senate amendment inserting the word "artificial" before the word "coloration," with an amendment, inserting another word after the word "coloration?" And if that can not be done in Committee of the Whole or in the House, how can it be done in conference?

The CHAIRMAN. The word "coloration" is not a part of the Senate amendment, but a part of the text of the bill. It would be in order to offer an amendment to the word "artificial"—adding another word, possibly, thereto.

Mr. WILLIAMS of Mississippi. The reasoning of the Chair is perfectly correct, but as stated it discloses that the Chair is ignorant of the fact which is at the basis of all the reasoning that can be had upon this subject. This bill went to the Senate with this language: "Coloration or ingredient that causes it to look like butter." Now, if the Chair will keep that in mind, then this is the second fact upon which the Chair has to act: The Senate struck out the words "or ingredient" and substituted the word "artificial."

Therefore the amendment offered by the gentleman from New York is not an amendment to the original text of the bill as agreed upon by both Houses, but is an amendment to the amendment which the Senate made for the purpose of further defining what artificial coloration means. The original language was "coloration or ingredient." The new language as effected by the Senate amendment is "artificial coloration."

Then the question arises as to what is or is not "artificial coloration;" and certainly any amendment that goes to define what is or is not artificial coloration is an amendment to the Senate amendment, which put in the word "artificial" before "coloration" and struck out the words "or ingredient."

Now, two divergent ideas arise immediately. Suppose that butter which has been colored artificially is used as an ingredient in oleomargarine, then shall the oleomargarine be pronounced to be artificially colored oleomargarine or not? In order to obviate all uncertainty about that the gentleman from New York offers an amendment to the Senate amendment to define what artificial coloration is, and in limiting what that shall be construed to mean, he uses the language "not from butter." That is what? Coloration not from butter? No artificial coloration not from butter.

In other words, if the artificiality of the coloration proceeds not from the manufactured oleomargarine but from the fact that butter was put into it which itself had been artificially colored, then undoubtedly the amendment is an amendment to the artificiality of the process and the word "artificiality" was inserted

by the Senate; therefore, it is an amendment to the Senate amendment and not an amendment to the original text of the bill.

The CHAIRMAN. The Chair has listened with interest to the remarks of the gentleman from Mississippi——

Mr. WILLIAMS of Mississippi. In other words, it limits the meaning of the word "artificial."

The CHAIRMAN. But the Chair is still of opinion that the amendment, coming as it does in the text of the bill after the word "coloration," although it is only one word beyond the Senate amendment, the effect is just the same as if it were ten words or ten lines, and the Chair therefore adheres to the ruling that the text of the bill, which has been agreed to by both Houses, is sacred and can not be amended in Committee of the Whole.

Mr. WILLIAMS of Mississippi. Will the Chair hear this suggestion just one moment? Suppose the gentleman from New York were to offer his amendment coming after the word "artificial;" then the Chair would rule it would be in order, but it would not make good sense.

The CHAIRMAN. It would be in order. Its good sense would be for the committee and not for the Chair to determine.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the inquiry.

Mr. SCOTT. I understand the Chair to hold that the text of the original bill, which has passed both Houses, is sacred and can not be touched in this committee.

The CHAIRMAN. That is the opinion and ruling of the Chair.

Mr. SCOTT. My inquiry is this: When the meaning and context have been materially changed by a Senate amendment, can it be properly claimed that the text has been passed by both Houses? This House has never passed upon it, and the inquiry I make is whether or not the amendment which the Senate put into this section did not so change the entire meaning of the paragraph as to make proper a ruling that the text had not been passed upon by this House?

The CHAIRMAN. It is not within the province of the Chair to construe the meaning of words which have been agreed to by both branches of Congress.

Mr. TAWNEY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. This Senate amendment has already been concurred in by the Committee of the Whole, has it not—that is, Senate amendment No. 4?

The CHAIRMAN. It has.

Mr. TAWNEY. Then I make the point of order that the amendment comes too late.

Mr. WADSWORTH. Mr. Chairman, while I dislike very much to disagree with the ruling of the Chair——

The CHAIRMAN. For what purpose does the gentleman rise.

Mr. WADSWORTH. With all due respect, I appeal from the decision of the Chair on the point of order ruling the amendment I offer to the paragraph out of order.

Mr. TAWNEY. Mr. Chairman, before the question is put I want to call the attention of the committee to the fact that this amendment has already been concurred in by the Committee of the Whole, and that therefore the ruling of the Chair, independent of any other question, is perfectly proper, because an amendment would not be in order after an amendment has been concurred in.

The CHAIRMAN. The Chair will state that no appeal was taken from the ruling of the Chair sustaining the point of order against the gentleman from New York. Subsequently various parliamentary inquiries were made, to which the Chair replied. Replies to parliamentary inquiries are not subject to appeal.

Mr. WADSWORTH. Very well. Does the Chair hold that we can insert immediately after the word "artificial" the words "except other butter?"

The CHAIRMAN. The Chair is of opinion that it would have been in order had not the committee already concurred in the Senate amendment.

Mr. WILLIAMS of Mississippi. The House has not concurred in the Senate amendment.

The CHAIRMAN. It can now be done by unanimous consent.

Mr. WADSWORTH. I do not suppose the gentleman from Minnesota [Mr. TAWNEY] would permit me to do it by unanimous consent.

Mr. TAWNEY. No; we would not. That would be carrying generosity too far. [Laughter.]

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SCOTT. I rise to make a statement upon which to base a parliamentary request, upon which I intend to base a demand for a ruling from the Chair.

My contention, Mr. Chairman, is that the entire sentence which is now under consideration, beginning with line 22, page 2, has been so materially changed by the amendment of the Senate that it is no longer a part of the text, and no words in it are any longer a part of the text agreed upon by both Houses; and therefore, regardless of the fact that the Senate amendment has been concurred in by the committee, the amendment offered by the gentleman from New York [Mr. WADSWORTH] is germane and in order, and I would like a ruling of the Chair on that point.

The CHAIRMAN. That question has already been ruled upon. The point of order was sustained, and the committee has concurred in the Senate amendment. There is therefore nothing before the committee, unless the gentleman from New York asks unanimous consent to open that question again.

Mr. SCOTT. Would an appeal from the decision of the Chair on that point be in order?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. TELLER, and Mr. MASON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12346) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

OLEOMARGARINE BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Section 3 of said act is hereby amended by adding thereto the following: "*Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 cent per pound is imposed by this act, as amended, shall pay $200; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act, as amended, a tax of one-fourth of 1 cent per pound shall pay $6."

Mr. HENRY of Connecticut. Mr. Chairman, I move that the House concur in the Senate amendment.

Mr. ALLEN of Kentucky. Mr. Chairman, I move to concur with an amendment.

The CHAIRMAN. The gentleman from Kentucky moves to concur with an amendment, which takes precedence of the motion of the gentleman from Connecticut. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "two hundred" in line 9, page 3, and insert "fifty."

Mr. ALLEN of Kentucky. Now, Mr. Chairman, it seems to me that the license tax of $200 here put upon this product is burdensome; that it is out of proportion to the purposes of the bill as it applies to the license upon colored oleomargarine. The bill provides that there shall be a tax of 10 cents a pound on colored oleomargarine. The contention for that tax, or rather the argument for it, was to increase the price of the oleomargarine to something near the price of butter in order that it might not come in competition with it. The tax of one-quarter of 1 cent per pound was placed upon the uncolored oleomargarine simply for the purpose of using the governmental agency in regulation of the manufacture.

Now, it occurs to me that to follow that up with the additional tax of $200 upon the wholesale dealer is unnecessary and burdensome, and will result in the fact that the consumer will have to pay it. It is unnecessary to the proper policing this article, nor is it necessary to the proper protection of the manufacture of the article that this tax should be so heavy, and I believe it ought to be the same as that upon renovated butter. I understand there will be an amendment offered to place the tax at $50 upon the wholesale dealer in renovated butter. I ask, Mr. Chairman, that the amendment be adopted, and I hope that gentlemen in charge of the bill will not object to it.

Mr. HENRY of Connecticut. Mr. Chairman, just a few words, and then I shall be ready for a vote. This section of the bill was framed by the oleo manufacturers themselves. It is all they ask for. It was inserted in the Senate with the assurance of members of the Agricultural Committee in the House that there would be no objection offered to it. There is no special reason why the United States Government should concede $150 a year to these dealers, when nobody has asked for it except my benevolent friend from Kentucky.

Mr. ALLEN of Kentucky. Will the gentleman permit a question? You do not contend that this is necessary for revenue, do you? It is not the purpose of it to raise revenue?

Mr. HENRY of Connecticut. It is certainly a revenue bill.

Mr. ALLEN of Kentucky. But the purpose of this act is to police the manufacturer and dealer in this article. Is not that the prime purpose?

Mr. HENRY of Connecticut. There can be no considerable revenue made from uncolored oleomargarine, and the contention is that it is not burdensome. We have reduced the retail tax to a nominal figure of $6 a year, or 50 cents a month, and that was where the real burden would come.

Mr. ALLEN of Kentucky. How does the gentleman know this was prepared by the oleomargarine people?

Mr. HENRY of Connecticut. Because one of them told us so.

Mr. ALLEN of Kentucky. Who?

Mr. HENRY of Connecticut. A prominent manufacturer.

Mr. ALLEN of Kentucky. Told you so?

Mr. HENRY of Connecticut. Yes.

Mr. ALLEN of Kentucky. That does not appear from any record in the case, and I had no such information.

Mr. HENRY of Connecticut. I think my authority is good.

Mr. TAWNEY. Now, Mr. Chairman, I will ask my colleague, the gentleman from Connecticut, if it is not a fact that in this provision the tax on the wholesale dealer in oleomargarine is reduced from $400 to $200?

Mr. HENRY of Connecticut. Certainly; and all the reduction was made that the dealers themselves asked for.

Mr. WILLIAMS of Mississippi. Do you put the same tax on renovated butter that you do on oleomargarine?

Mr. ALLEN of Kentucky. Why do you charge the wholesale merchant for selling unobjectionable oleo?

Mr. HENRY of Connecticut. In order to preserve the police supervision. The dealers themselves do not wish to have this license tax entirely removed.

Mr. GAINES of Tennessee. I move to strike out the last word. Here is a merchant who is selling the real oleomargarine as "oleo," and not as "butter." No one objects to that. He is dealing in an honest article, and he is dealing honestly with his fellows and honestly with the Government, and yet you want to impose a tax of $200 upon him.

Mr. HENRY of Connecticut. They wish to have it themselves.

Mr. TOMPKINS of New York. And it was $400 when the bill left the House.

Mr. GAINES of Tennessee. Does the gentleman say the merchants are asking to be taxed $200 to carry on this business?

Mr. TAWNEY. Did the gentleman vote for the bill when it was before the House?

Mr. GAINES of Tennessee. Yes; I voted to recommit the bill in the hopes the House bill would be improved by amendment. The House did not recommit, and then I voted to pass it as it was, believing the Senate would improve it, which I hope has been done, and as this is about the best that can now be done, I shall vote for it as amended. I am for the farmer.

Mr. TAWNEY. Then, when you did that, you voted to put a tax of $400 instead of $200 on the merchant.

Mr. GAINES of Tennessee. That shows that your bill was wrong, and that the House was in error in not recommitting and changing this item, but I voted for it believing the Senate would amend and rectify; still I am ready to make the provision entirely right. I am glad that you now say you were wrong in your bill when it was here before. Now here is the proposition——

The CHAIRMAN. The gentleman from Connecticut has not yielded the floor.

Mr. GAINES of Tennessee. The gentleman had resumed his seat and I moved to strike out the last word and proceeded.

Mr. HENRY of Connecticut. I am willing to yield to the gentleman.

The CHAIRMAN. The gentleman must first obtain the recognition of the Chair.

Mr. HENRY of Connecticut. I call for a vote.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut.

Mr. GAINES of Tennessee. I rise to a parliamentary inquiry, Mr. Chairman. The gentleman from Connecticut had resumed his seat and I rose and asked him a question.

Mr. HENRY of Connecticut. I think I have been on my feet all the time.

Mr. GAINES of Tennessee. The gentleman is certainly mistaken.

The CHAIRMAN. Does the gentleman think he has the floor now?

Mr. GAINES of Tennessee. Certainly.

The CHAIRMAN. The gentleman desiring the floor will address the Chair.

Mr. GAINES of Tennessee. Well, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire the floor?

Mr. GAINES of Tennessee. Has the gentleman the floor now?

The CHAIRMAN. He has not.

Mr. GAINES of Tennessee. Then I move to strike out the last word, and I want to be heard.

The CHAIRMAN. The gentleman from Tennessee.

Mr. GAINES of Tennessee. Now, I voted to take up this measure to-day. This is the only means now we can employ as new legislation to curb this oleo butter fraud. Something must be done to do this, and at once. I am for the farmer, first, last, and all the time. I am against dishonest butter, and I am against encouraging anything that breaks down the prices of the farmer, because the farmer is the cornerstone of society.

We need the farmer from the time we come into the world until we go out, and I would do nothing nor permit anything that wrongfully destroys his business. Though unsatisfactory, I am going to vote for the bill as amended; but I say this part of the bill is wrong in imposing a tax of $200 on the merchant who is selling the real oleo as oleo to his neighbors and customers. He is dealing honestly with the Government, and dealing fair with his customers. Why tax, why burden an honest merchant for doing the honest thing? I say, gentlemen, such an act is palpably wrong.

Mr. FEELY. Mr. Chairman, I move to strike out the last two words. I desire to favor the amendment proposed by the gentleman from Kentucky. I do not think the gentleman in charge of this bill, the gentleman from Connecticut, has stated fairly what the people desire and what the manufacturer of oleomargarine desires. I take it that we are not called here to do what the farmer desires or what particular oleomargarine manufacturers desire. It is a creditable thing in the committee and in the Senate that they have reduced the tax from $650 to $200. It will be more creditable to them, and it will be more creditable to this House, if it further reduces that tax on an honest occupation, in order to allow all men to enter upon it who desire to do so without payment of an exorbitant tax.

In reference to the necessity of policing, it must be admitted, and it is admitted by the opponents of this bill, that some tax is necessary to police and supervise the manufacture of this article; but it can not be held, and I shall wait to see it held here this afternoon, that a tax of $200 is necessary for the purpose of policing and supervising its manufacture. The great trouble is that there is to-day centralization in the manufacture of oleomargarine, and I do not doubt that some representatives have stated to the gentleman from Connecticut that this $200 tax was satisfactory; but for the consumer, for the people who desire to eat a cheap product, a wholesome product, even if the ban is placed upon it, and if they are not accorded the advantage of eating it colored, there ought to be some consideration. At least latitude ought to be allowed for general manufacture of an honest food product now monopolized. If the amendment of the gentleman from Kentucky is adopted here, a field for honest competition will be opened all over this country, and it will not be so easy to centralize the control of the manufacture of oleomargarine. It is but fair, and I hope it will be adopted.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to the motion to concur with an amendment by adding a further amendment.

The CHAIRMAN. Do the gentleman from Illinois and the gentleman from Tennessee withdraw the pro forma amendment?

Mr. GAINES of Tennessee. Why, certainly.

The CHAIRMAN. Then an amendment to the amendment offered by the gentleman from Kentucky is offered by the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Concur with the further amendment by inserting at the end of line 13 the following: "*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. I make the point of order that it is not an amendment to the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Chair is of the opinion that the amendment is a separate amendment and not an amendment to the amendment offered by the gentleman from Kentucky. It will be in order after the amendment of the gentleman from Kentucky has been disposed of.

Mr. MANN. It would not be in order, Mr. Chairman, after the amendment of the gentleman from Kentucky has been adopted, because his motion is to concur in the Senate amendment with an amendment, and if that motion is adopted the amendment is concurred in, and it is beyond the control of the committee. I take it that it is within the power of the committee to concur in a Senate amendment with one amendment, and that amendment be subject, under the rules, to an additional amendment, and so to concur with two amendments.

The CHAIRMAN. The Chair will state that the gentleman

from Illinois is mistaken in his premises. The motion of the gentleman from Kentucky is to amend the Senate amendment.

Mr. MANN. If that is its standing before the committee, very well. The motion of the gentleman was to concur with an amendment, as stated.

The CHAIRMAN. The Chair understands differently. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

Mr. RICHARDSON of Tennessee. Mr. Chairman, without expressing any opinion as to the merits of the amendment proposed by the gentleman from Illinois, I submit that it would not be in order anyway, because it is an amendment in the third degree. The Senate amendment is pending, and the gentleman from Kentucky moves an amendment to that amendment. Now, the proposition of the gentleman from Illinois is to amend an amendment to an amendment, which can not be done, and therefore the Chair must be right in his statement. There is no difficulty about it. If the Chair holds the proposition of the gentleman is first to amend the Senate amendment, if that is voted down or up, it would be in order for the gentleman from Illinois to offer his amendment to the Senate amendment, as the Chair has stated.

Mr. MANN. Do I understand the ruling of the Chair to be that the committee can amend the Senate amendment without a motion to concur?

The CHAIRMAN. That is the opinion of the Chair. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ALLEN of Kentucky) there were—ayes 53, noes 85.

So the amendment was rejected.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I renew my motion to concur.

Mr. MANN. I believe, Mr. Chairman, my amendment has precedence.

The CHAIRMAN. The gentleman from Illinois offers an amendment which has precedence over the motion to concur. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "dollars," in line 13, the following:
"*And provided further*, That the artificial coloration provided for in the preceding paragraph shall not include colored butter."

Mr. TAWNEY. A point of order, Mr. Chairman. The amendment is not germane to the paragraph to which it is offered as an amendment.

Mr. MANN. It is all one section, as the gentleman will discover if he will read it.

The CHAIRMAN. The Chair will hear the gentlemen from Illinois upon the point of order.

Mr. MANN. Mr. Chairman, the section we are reading is all one section. If it is not the same subject-matter, it is not the fault of this House or this committee, which includes two different subject-matters in one section. It certainly is within the province of the House to amend a section upon a particular subject by inserting a provision in reference to one subject-matter in that section anywhere it pleases in the section. That ought to be a matter within the discretion of the committee.

Mr. TAWNEY. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. TAWNEY. Do you think if we have passed a provision even in the same section relating to a certain subject and the committee declines to entertain an amendment, you can pass on to another subject in the same section and offer the same amendment to it?

Mr. MANN. We have not passed upon any other subject; we have only passed upon a Senate amendment, and merely because the Senate amendment occurs at a particular place has nothing to do with this question. We did not pass upon the bill. The Chair expressly held that we could not amend the original bill. We passed upon the Senate amendment. Now, I take it, it is within the province of the House to agree to an amendment cutting down the amount of the license tax, with a provision governing the action of the people who operate under that tax. There might very well be added to this amendment of the Senate a provision that the $200 license tax should only apply to people who made a particular kind of butter.

Now, that is the subject-matter. The very question before the House in this amendment is the tax upon oleomargarine, which is taxed only one-fourth of a cent per pound; and the question as to what that tax shall be is within the province of the House to determine. We may say that this tax of one-fourth a cent a pound shall apply only to one kind of oleomargarine or to another, but when we limit the tax, we certainly have the right to decide what that tax shall apply to.

Mr. TAWNEY. Just one word. The paragraph which the gentleman from Illinois proposes to amend is an amendment to section 3 of the existing oleomargarine law, relating entirely to the license taxes paid by wholesale and retail dealers in oleomargarine. Now, the proposition which he offers as an amendment to this paragraph relates entirely to another subject-matter. It relates to the use of coloring matter in the manufacture of the article which these men are likely to sell. I do not think it can be held for a moment that it is germane to the proposed amendment of the Senate.

The CHAIRMAN. Senate amendment No. 5 reads thus:

Section 3 of said act is hereby amended by adding thereto the following:

And then follows a certain proviso. The amendment offered by the gentleman from Illinois is to add at the end of that proviso these words:

And provided further, That the artificial coloration provided for in the preceding paragraph shall not include colored butter.

The "preceding paragraph" referred to, as the Chair understands, is section 3 of a former act of Congress, which is not now before the Committee of the Whole.

On page 323 of the Manual the Chair finds this language:

To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane.

That ruling was made by Speaker Reed. The Chair thinks that it covers this case. The amendment of the gentleman from Illinois, while it may be germane to the preceding paragraph of section 3 of the earlier act of Congress to which it refers, is not germane to the proviso which constitutes the Senate amendment, and therefore the Chair sustains the point of order.

Mr. HENRY of Connecticut. I now renew my motion to concur in the Senate amendment.

The motion was agreed to.

Senate amendment No. 6 was read, as follows:

After the word "consumption," in line 21, page 3, strike out "and" and insert "or."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend concurrence in this amendment.

The motion was agreed to.

Senate amendment No. 7 was read, as follows:

Before the word "coloration," in line 25, page 3, insert "artificial."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend that the House concur in this amendment.

The motion was agreed to.

Senate amendment No. 8 was read, as follows:

In line 1, page 4, strike out before the word "that," the words "or ingredient."

Mr. HENRY of Connecticut. I move that the Committee of the Whole recommend to the House concurrence in this amendment.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] makes a motion to amend which takes precedence of the motion of the gentleman from Connecticut. The amendment of the gentleman from New York will be read.

The Clerk read as follows:

Amend Senate amendment No. 8 by inserting, after the word "ingredient," line 1, page 4, the words "but colored butter shall not be construed as artificial coloration."

Mr. TAWNEY. I make the point of order that this amendment is not in order, as it proposes to change the text of the bill as agreed to between the two Houses.

The CHAIRMAN. If the Chair correctly understands the motion of the gentleman from New York, it is to insert at the place where the Senate strikes out the words "or ingredient" the words which the Clerk has read. The Chair thinks the amendment is in order and overrules the point of order.

Mr. WADSWORTH. Mr. Chairman, the point of my amendment is simply this: Under the law of 1886, the original oleomargarine law, manufacturers of oleomargarine were required to file with the Secretary of the Treasury a statement of the ingredients of the commodity which they manufacture; and among those ingredients is butter. Now, when they go on the market to buy their butter they can not tell whether it is colored or not (although I know that all butter is colored). Why should they not have the privilege of buying butter (which is an honest ingredient used in the manufacture of oleomargarine) on the market just as anybody else can buy it? That is all there is of it.

Mr. TAWNEY. Will the gentleman from New York explain the effect of this amendment in using colored butter in the manufacture of oleomargarine?

Mr. WADSWORTH. Under the law there they must not add any colored butter, if it even gave a straw shade to oleomargarine.

Mr. TAWNEY. I mean the effect upon the business of the manufacturer.

Mr. WADSWORTH. It would simply compel the oleomargarine manufacturers, probably, to have their butter made absolutely without coloring matter. I offer it because there has been a case in one of the State courts where the question has been decided that coloring coming through colored butter was contrary to the State law.

Mr. TAWNEY. And the manufacturer of oleomargarine, then, by the use of butter, no matter how much of a shade of yellow it might give that yellow oleomargarine, would be exempt from the 10-cent tax under this provision.

Mr. WADSWORTH. That is it exactly.

Mr. TAWNEY. Then the purpose of it is to destroy the entire effect of this bill?

Mr. WADSWORTH. The purpose of it, frankly and openly stated, is to allow the oleomargarine people to color their oleomargarine in an honest and legal way, as provided in this bill, because butter is an ingredient of oleomargarine and has been since 1886, when the law compelled manufacturers to file with the Secretary of the Treasury the list of ingredients.

Mr. HENRY of Connecticut. Just a word, Mr. Chairman. If this amendment is adopted we might as well strike out the enacting clause of the bill and let our work go for nothing. It means that oleomargarine may be colored as it is colored now. Butter will be colored expressly for use in oleomargarine, to be expressly used as an ingredient, and it will color the oleomargarine for all practical purposes—avoid the tax and kill the bill.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

The question was taken; and on a division, demanded by Mr. WILLIAMS of Mississippi, there were—ayes 51, noes 88.

So the amendment was rejected.

Mr. HENRY of Connecticut. Mr. Chairman, I move to concur in the Senate amendment.

The CHAIRMAN. The gentleman from Connecticut moves that the committee recommend the House to concur in the Senate amendment No. 8.

The motion was agreed to.

The Clerk read as follows:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorbtion of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

The committee amendments were read, as follows:

In lines 5 and 6 strike out the words "shall be understood" and insert the words "is hereby defined."

In lines 10 and 11 strike out the words "shall be understood" and insert the words "is hereby defined."

In line 15 after the word "butter" insert the words "or butter fat."

In lines 18 and 19 strike out the word "and" and insert the word "or," and after the word "butter" insert the words "butter fat."

In line 20 strike out the words "recognized or understood" and insert the word "defined."

After the word "product," in line 21, strike out the word "in" and insert the word "or."

After the word "any," in line 22, strike out the words "way, either through cheaper or inferior ingredients, or," and insert the words "butter, in the manufacture or manipulation of which any process or material is used."

On page 6 strike out the proviso.

Mr. PARKER. Mr. Chairman, I offer the following amendment which I send to the desk.

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee concur in the amendments with the committee amendment, which I send to the desk.

Mr. PARKER. Mr. Chairman, I suppose the motion would first be on the adoption of the committee amendments to which I have no objection, but immediately after that I wish to offer an amendment.

The CHAIRMAN. The question will be first upon the adoption of the committee amendments, unless some one offers an amendment to one or all of them.

Mr. TAWNEY. Mr. Chairman, the gentleman from Connecticut has sent up a committee amendment in addition to the committee amendments which are incorporated in the bill, and, as I understand, he wishes to have them considered and adopted at the same time.

The CHAIRMAN. The Chair will state that the motion of the gentleman from Connecticut [Mr. HENRY] proposes to insert certain words on page 6 in lieu of those which have been stricken out, and then strike out the succeeding paragraph, which has not yet been read, and it is not in order at this time to strike out that paragraph.

Mr. HENRY of Connecticut. Mr. Chairman, I thought that paragraph had been read. I withdraw the amendment for the present. I move concurrence in the committee amendments.

The CHAIRMAN. The question is first on the adoption of the amendments offered by the Committee on Agriculture. If there is no objection, they will be considered together. [After a pause.] Hearing none, it is so ordered. The question now is on the adoption of the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question now is upon the adoption of the committee amendments offered by the gentleman from Connecticut, which the Clerk will report.

The Clerk read as follows:

On page 6, after the word "cream," in line 1, insert a semicolon in place of the colon, and these words, "that process butter or renovated butter is hereby defined to mean butter which has been subjected to no process by which it is melted, clarified, or refined, and made to resemble genuine butter, always excepting adulterated butter as defined by this act."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. PARKER. That will not prevent my going back to the definition of adulteration.

Mr. CANNON. I should like to know what it means. Does it mean that the butter that is made by the farmer and sold and is not consumed in a few days can not be sold to the manufacturer, who washes it and makes it sweet, without his paying a tax of 10 cents a pound for the privilege of washing it?

Mr. TAWNEY. The definition of a manufacturer of process butter meets your objection. The people you have been speaking of will not be included in that definition, and therefore will not be subject to this.

Mr. HENRY of Connecticut. The very object of the amendment is to exclude those people.

Mr. CANNON. Let us read it again. I do not understand it. I thought you were going to strike out——

Mr. HENRY of Connecticut. It does strike out and insert the definition prepared by the Department of Agriculture to cover the very point the gentleman makes—to exempt the farmer and the country grocer who wishes to pack his butter. It was not believed that the bill as passed by the Senate would affect those people, but the Secretary of Agriculture was of the opinion that the definition should be more definite.

Mr. BUTLER of Pennsylvania. Mr. Chairman, can we have the amendment read again? I should like to hear it. It may not be necessary to hear it, but it might be a good thing.

Mr. CANNON. Let me ask again. Suppose 50 farmers in my township sell their 10 pounds of butter each at the place where they trade. The local demand does not consume it until it becomes strong, which it will in two or three days. Then that butter is of no account except as it may be shipped and washed and aerated and colored, and then it is good butter, without the use of acids. Can that be done under this bill without penalty?

Mr. HENRY of Connecticut. The butter that the gentleman refers to, rancid butter, comes under the provisions of process or renovated butter. To be frank with the gentleman, it would not be exempt; but butter that the country grocer takes in over his counter and packs down in an unmelted condition, without the use of any process or acid, is exempt under this amendment.

Mr. CANNON. Well, then, what tax will such butter be subject to, the kind I speak of?

Mr. HAUGEN. None whatever. The ladlers are exempt.

Mr. HENRY of Connecticut. If that butter is treated as adulterated butter, it would be subject to the tax of 10 cents a pound. If it is sold to the process man to be renovated, it is subject to a tax of one-quarter of 1 cent per pound.

Mr. CANNON. Then the process man can take this butter, whether it be 10 pounds or 10 tons, and he can treat it, as long as he does not treat it with acids.

Mr. WILLIAMS of Mississippi. Or remelt it.

Mr. CANNON. He can wash it and mix it and remelt it, if he chooses, provided it is butter all the time, and color it; and when he has cleansed it, and by cleaning it has become sweet, then how much tax does he pay on that butter?

Mr. HENRY of Connecticut. One-fourth of a cent a pound.

Mr. CANNON. One-quarter of a cent a pound?

Mr. HAUGEN. That is, provided he melts it.

Mr. GRAFF. He can not clarify it nor regranulate it unless he does melt it, because that is the only process by which there can be a refining.

Mr. HAUGEN. The Senate bill proposed to tax ladlers as well as those who remelt the butter, but the bill has been amended so as to exempt the ladlers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, we should like to hear this debate; or is it a private conversation?

Mr. CANNON. I do not want it to be private, because I want to know about it. I have been busy with my work that has been committed to me, as other gentlemen have been busy with theirs, and I want to know about it, because my constituency and the people at large are interested in it, both the consumer of butter on the one hand and the maker on the other, outside of the creamery. Now, I want to know if thers is anything in this bill that will subject the butter of my constituents, made in the farmer's home, which butter has become strong, when it is made sweet by washing, by melting, by mixing different kinds of butter together, and by coloring it with annotto—I want to know if there is anything in this bill that will subject that to a tax?

Mr. HENRY of Connecticut. One-fourth of a cent per pound.

Mr. TAWNEY. Not if the farmer does it himself.

Mr. MANN. Ten cents a pound, as plainly as the English language can state anything.

Mr. HENRY of Connecticut. Not unless adulteration is used.

Mr. CANNON. What does my friend mean by adulteration?

Mr. HENRY of Connecticut. By putting in a portion of glucose or any other foreign material.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CANNON. I would be glad to move to strike out the last word. I just want to know about it.

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. CANNON. Certainly.

Mr. TAWNEY (reading):

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered a manufacturer thereof.

And subject to this taxation.

Mr. CANNON. Subject to a taxation—license tax?

Mr. TAWNEY. License tax; and the product is subject to a quarter of a cent a pound.

Mr. CANNON. Not 10 cents a pound?

Mr. TAWNEY. Not unless he is engaged in the business of adulterating butter, and is a manufacturer of it, by the use of acid or other chemicals described in this act.

Mr. CANNON. Well, I merely want to say in my five minutes that the farmers of this country by and by, when forced to give attention to matters which affect their interests, and I think that nine out of ten of them never saw the inside of a creamery, perhaps never will, somehow or other they have a notion that this legislation touching oleomargarine will protect them in the real butter industry. Maybe it will. I do not know whether it will or not.

But I want to say to gentlemen in charge of this bill if it should turn out now by virtue of a provision of the legislation that you enact here that the product of the farmer, the farmer's wife now making butter—and there is 9 pounds of it made where there is 1 pound of dairy butter made—if by virtue of the operation of this act is discriminated against and depreciated in value, then you will find that somebody a little later on will tramp on you. That is all. [Loud applause.]

Mr. WADSWORTH. What is the pending motion?

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Connecticut. If there be no objection, the amendment will again be reported.

The amendment was again reported.

Mr. WADSWORTH. Now, Mr. Chairman, that is the definition of process or renovated butter, is it not?

Mr. TAWNEY. It is.

Mr. WADSWORTH. Now I want to read to the House what Mr. Levi Wells, dairy and food commissioner of the State of Pennsylvania, says upon the subject:

It may be of interest to many to know what renovated butter is. It is also known under several alias, such as "boiled" process and "aerated" butter, and is produced from the lowest grade of butter that can be found in country stores or elsewhere It is of such poor quality that in its normal condition it is unfit for human food. It is generally rancid and often filthy in appearance, and of various hues in color, from nearly a snow white along the various shades of yellow up to the reddish cast, or brick color. It is usually packed in shoe boxes or anything else that may be convenient, without much regard to cleanliness or a favorable appearance in any way. The merchant is glad to get rid of it, with its unwholesome smell, from his premises at almost any price, usually expecting that it will find its way to some soap factory, where it naturally belongs; but in this he is mistaken.

I do not know how a greater fraud could be perpetrated upon the unsuspecting consumer or upon legitimate dairy interests than is done by these manufacturers of spurious butter. In the first place, 20 to 25 per cent of the compound is skim milk, for which the consumer pays the price of butter. Besides this, the filthy condition of the foundation stock before any manipulation occurs, were it known, would deter most people from eating it. It certainly should only be allowed to be sold for what it is, namely, "renovated butter." It is a fraud because it has no keeping qualities. Being so heavily charged with skim milk, unless kept at a very low temperature, it soon becomes putrid. The manufacturer and jobber may get it off their hands before it deteriorates, but before it gets to the consumer, usually, "its last estate is worse than its first."

Mr. BUTLER of Pennsylvania. When did he say that?

Mr. WADSWORTH. In 1898.

Mr. TAWNEY. Is not that an argument for the passage of this bill?

Mr. WADSWORTH. I would like to ask the gentleman from Connecticut if there is anything in that definition of renovated butter that prevents it from being colored in imitation of June butter?

Mr. HENRY of Connecticut. I have already put that into the RECORD.

Mr. WADSWORTH. I merely want to call the attention of the committee to it. Is there anything contained in this definition which prevents the manufacturer of this renovated butter from coloring it in imitation of June butter? I would like an answer to that question.

Mr. HENRY of Connecticut. I think that covers the definition—adulterated butter.

Mr. WADSWORTH. I want an answer to this question. Is there anything in that definition which prevents the manufacturer of this stuff from coloring it in imitation of June butter?

Mr. HENRY of Connecticut. It is adulterated butter.

Mr. WADSWORTH. I am speaking of this renovated butter described by Mr. Levi Wells.

Mr. HENRY of Connecticut. I have the same thing, and it will be found in the RECORD to-morrow. It is adulterated butter—process butter.

Mr. WADSWORTH. It is renovated butter.

Mr. HENRY of Connecticut. There is just a difference in the use of the terms.

Mr. WADSWORTH. I would like a straight answer to the question.

Mr. HENRY of Connecticut. I regard it as a straight answer. It is adulterated butter.

Mr. WADSWORTH. Can they color this butter?

Mr. HENRY of Connecticut. It is adulterated with milk. [Laughter. Cries of "Vote!"]

Mr. WADSWORTH. Mr. Chairman, is there any other gentleman on the floor of this House who can answer this question? I would like an answer for the information of the House and the country.

Mr. SIBLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] is recognized.

Mr. COWHERD. I do not wish to interrupt the gentleman while he has the floor.

Mr. WADSWORTH. I would like to hear any gentleman on the floor answer that question, as the gentleman from Connecticut has not answered it.

Mr. SIBLEY. I would like to say to the gentleman that the farmers of Pennsylvania rose up practically en masse in a demand for the resignation of that man, and he had to tender it.

Mr. TAWNEY. Because of his connection with the oleomargarine manufacturers?

Mr. SIBLEY. That was four years ago.

Mr. COWHERD. Mr. Chairman, I desire to call the attention of the gentleman from Connecticut and the committee to what appears to be in the amendment. As I understand the amendment it is not materially different from the Senate amendment, excepting this: It strikes out words in the Senate amendment which prohibited the using of alkali or chemicals in the butter, and strikes out the use of the words "foreign substance added to butter, adulterating, cheapening, or increasing the weight." In the gentleman's amendment all that is stricken out.

Mr. HENRY of Connecticut. If the gentleman will allow me an interruption, the definition of adulterated butter is on pages 5 and 6, and is a definition prepared by the Department of Agriculture for renovated butter, that the Department under the terms of this bill will control and supervise.

Mr. COWHERD. If your amendment is adopted, then in the making of process or renovated butter they can use, under the terms of it, alkalies and chemicals——

Mr. HENRY of Connecticut. They can not, for then it becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill?

Mr. TAWNEY. It becomes adulterated butter.

Mr. COWHERD. Under the provisions of this bill, if your amendment is adopted, when alkalis and chemicals are used, it will become adulterated butter?

Mr. HENRY of Connecticut. Undoubtedly.

Mr. COWHERD. Then, I have no objection to the amendment.

Mr. MANN. Mr. Chairman, may I ask the gentleman a question?

Mr. HENRY of Connecticut. Mr. Chairman, I ask for a vote, and will answer the gentleman's question after it is taken.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. HENRY of Connecticut. Let us pass upon this amendment.

The CHAIRMAN. The Chair sees two gentlemen on the floor and hears nothing from either [laughter], doubtless owing to their distance from the Chair and the conversation which was going on around them.

Mr. MANN. Neither gentleman has been able to learn who has the floor. [Laughter.]

The CHAIRMAN. Does the gentleman from Illinois rise for any purpose; and if so, what?

Mr. MANN. I rose and addressed the Chair.

The CHAIRMAN. The Chair asked the gentleman from Illinois for what purpose he rose and heard no response.

Mr. MANN. The gentleman from Illinois could not ascertain whether the gentleman from Connecticut has the floor.

The CHAIRMAN. The Chair will again ask for what purpose the gentleman from Illinois rises?

Mr. MANN. I rise to take the floor.

The CHAIRMAN. Upon this amendment?

Mr. MANN. Upon this amendment, or to offer an amendment to the amendment.

Mr. HENRY of Connecticut. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois is entitled to speak to the amendment if he so desires. The gentleman from Illinois is recognized.

Mr. MANN. May I ask the gentleman from Connecticut for a construction of this definition of process butter?

Mr. HENRY of Connecticut. I have not the floor at this time. [Laughter.]

Mr. MANN. If the gentleman declines to give information, I know of no process by which he can be forced to. I want to call his attention to the fact that there is absolutely no way, as suggested by my colleague from Illinois, of doing anything whatever with rancid butter, except to make it into axle grease, under the provisions of this bill.

Mr. TAWNEY. That is all it is fit for.

Mr. MANN. The gentleman from Minnesota, who represents the creamery interests, says that is all it is good for. We want to know if that is the intention of the bill. The bill says if they use any substance whatever, not if they mix it with the butter, but if they use any substance whatever for taking out the rancidity, it shall be called adulterated butter. If they boil it or use heat, it becomes adulterated butter; if they sprinkle it with water, it becomes adulterated butter.

Mr. GRAFF. Oh, no.

Mr. MANN. The gentleman from Illinois says, "Oh, no;" but he has not read the section with care. If they said that it shall not be mixed with the butter, that would mean one thing, but when they say use any substance for taking out the rancidity it does not apply to any substance put into the butter, but it applies to anything and forbids the use of salt, it forbids the use of water, or anything except milk.

Mr. TAWNEY. That provision of the bill is stricken out and this is offered as a substitute.

Mr. MANN. I have not heard any amendment striking it out; it is the same section as that in regard to adulterated butter. They did not strike out the definition of adulterated butter, and precisely the same definition is there. If they did, they ought to change it in reference to adulterated butter, or else we have the definition of adulterated butter with a tax of 10 cents a pound and the definition of renovated butter, covering the same thing, with a quarter-of-a-cent tax. The gentleman will find out when this bill becomes a law that the men who are struck down by this bill will undertake to enforce the provisions of the letter of this law against these people. If the gentleman imagines they can strike down an industry on one hand and then beg the question under the working of the law on his part, he will find himself mistaken.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I have sent to the desk an amendment.

The amendment was read, as follows:

On page 5 of the bill strike out, in lines 12 to 15, the following: "Produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, or butter fat."

Mr. PARKER. The committee may well be careful about definitions, for they are the pith of the bill—the definition of butter, the definition of adulterated butter, and the definition of renovated butter. Under the law of 1886 butter was defined carefully as a product made with milk or cream by churning, with the addition of salt and proper coloring matter. By the act of August 2, 1886, Supplement to Revised Statutes, page 505—

The word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter.

Any such product is by that act not to be an adulteration. This bill is intended to guard against adulterations. We know that formaldehyde was said to be used to embalm beef. We hear from time to time as to milk that borax is put in, and the physicians of our various great cities testify that children are dying because what is put into milk for its preservation tends to make it unhealthy and indigestible. We know, too—I think we all know—that when butter gets sour or rancid, soda is used to wash it and to take out that sourness and rancidity, and that when the butter is reworked and the soda all washed out, sweet butter is left for the market. I think the gentleman from Illinois will confirm me in this statement—that a little soda takes away the sourness and leaves the butter good.

Now, if it be intended to declare, when butter is so worked over and soda is used in washing it, that the butter shall be called adulterated, I think it should also be regarded as adulterated if such articles as acids or alkalies, or whatever they may be, are added to the butter in the first place.

The gentleman from New York has called attention to an old definition of renovated butter. I stand by this bill, but let me say at the same time that there are firms who ship from this country enormous quantities of the very best sort of butter for tropical use, which they manufacture by reworking ordinary butter, adding to it large quantities of salt and getting rid of any sourness whatever by the soda process, to which I have referred. That would be under this bill called adulterated butter.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. It would, by reason of the addition of the soda.

Mr. TAWNEY. Not necessarily.

Mr. PARKER. Necessarily it must be regarded as adulterated under this bill, although the same construction would not be adopted with reference to creamery butter, though subjected to the same adulteration.

Let us in our definition consider carefully what is to be defined as butter. If butter is to be regarded as adulterated because it contains certain ingredients, then it is adulterated whether those ingredients are put into it in reworking or in the original manufacture. Let us strike out everything in this bill that has to do with the reworking, and provide in effect (for that is what I presume is meant) that adulterated butter is hereby defined to mean a grade of butter in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity.

What difference does it make whether the butter is reworked? The butter should be regarded by the law as adulterated, not only if it has been reworked and certain substances added, but also it is just as much adulterated if those substances or ingredients are used in the beginning. I am one of many who believe that the addition of borax or salicylic acid or anything that prevents decay likewise prevents digestion and spoils the article. If this bill is passed we want the people to have real creamery butter—butter as defined in 1886.

Mr. TOMPKINS of New York. Does not the gentleman think that the word "mixing," in line 12, makes the definition apply to the original manufacture of the article as well as to the reworking?

Mr. PARKER. No; that referred to mixing different lots of butter.

Mr. TOMPKINS of New York. It does not say so.

Mr. PARKER. Oh, yes; it says:

Butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels.

It refers to the mixture of different lots. If the process is applied to a single lot the product is exempt.

May I add that immediately after this amendment is disposed of I shall move to strike out, in lines 20 and 21, the words:

With intent or effect of cheapening in cost the product.

The question of adulteration does not depend upon whether it is done with any particular intent. If there is mixed with the article any substance foreign to butter, as herein defined—if any foreign substances are put in—the article is not butter as defined in this bill.

If the substances are added, it is not such butter as defined, but whether it is with the intent to cheapen in the process of reworking, or whether the product is taken from different lots or in single lots is beside the purpose of this bill. Let us have a bill that means something instead of one that means nothing, and with that purpose I offer likewise this other amendment. I think they

are so much to the same purpose and effect that I shall ask unanimous consent to have them considered together.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the amendment he has offered and the one which he desires to offer may be considered together. If there is no objection, it will be so ordered.

Mr. WILLIAMS of Mississippi. I object.

The CHAIRMAN. Objection is made.

Mr. HENRY of Connecticut. Mr. Chairman, I admire the sincerity and good intentions of the gentleman from New Jersey [Mr. PARKER], but we can not reform the whole moral law in one little bill. I suggest that any amendment of this character will simply complicate the bill. The bill has been carefully considered, and I trust the amendment will be voted down. I call for a vote.

The CHAIRMAN. Has the gentleman from Connecticut concluded his remarks?

Mr. HENRY of Connecticut. I have.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. PARKER. Then I offer the following amendment.

The Clerk read as follows:

Amend lines 21 and 22, page 5, by striking out the words "with intent or effect of cheapening in cost the product."

Several MEMBERS. Vote! Vote!

Mr. PARKER. Mr. Chairman, I take the floor for a moment. I want to ask the gentleman from Connecticut what is the good of the words "with the intent or effect of cheapening in cost the product?" What do they add to the bill? What help do they give? The clause provides for adulteration by mixing foreign materials.

Mr. HENRY of Connecticut. I would say that the committee has considered this bill carefully, and they believe it to be as near correct as it can be, and they object to further amendments.

Mr. PARKER. Has the gentleman any reason to give me why those words should be there?

Several MEMBERS. Vote! Vote!

Mr. PARKER. Well, I would really like an answer. [Laughter.] Does the gentleman decline to give an answer?

Mr. HENRY of Connecticut. I do not think it requires an answer. The committee objects to any further amendments.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER) there were—ayes 27, noes 81.

So the amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I notice it is 5 o'clock, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker pro tempore (Mr. DALZELL) having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to the bill H. R. 9206, and had come to no resolution thereon.

ALASKAN BOUNDARY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, in response to the resolution of the House of Representatives of April 10, 1902, requesting him "to inform the House of Representatives whether the State Department has received from official or other sources information as to the reliability of reports which have recently appeared in the public prints to the effect that in American territory, near the border of Alaska, British and Canadian officials (exercising authority by an agreement entered into by the Government of the United States and the British Government) are making surveys and encroachments upon territory not included in said agreement, and are removing and destroying ancient landmarks and monuments long ago erected by the Russian Government to mark the Alaskan boundary."

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, April 23, 1902.

The message, with accompanying documents, was referred to the Committee on Foreign Affairs.

BEET-SUGAR INDUSTRY IN THE UNITED STATES.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering a report on the progress of the beet-sugar industry in the United States during the year 1901.

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

WHITE HOUSE, *April 23, 1902.*

The message was ordered to be printed, and, with the accompanying documents, was referred to the Committee on Printing.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4506) granting an increase of pension to Ann E. Collier, and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DEEMER for the remainder of the week, on account of important business.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. RUSSELL, from the Committee on Ways and Means, reported the bill (H. R. 179) to amend the internal-revenue laws; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the the United States, for his approval, bills of the following titles:

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 2981. An act granting an increase of pension to Thomas Findley;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 5695. An act granting an increase of pension to John M. Seydel;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 6895. An act granting an increase of pension to Richard P. Nichauls;

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 11578. An act granting an increase of pension to John Gaston;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 2919. An act granting a pension to Christiana Steiger;

H. R. 13627. An act making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 11636. An act providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College;

H. R. 12452. An act granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes;

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 8553. An act granting a pension to Joseph Tusinski;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 12101. An act granting a pension to William E. Gray; and

H. R. 12697. An act granting a pension to M. C. Rogers.

LONDON DOCK CHARGES.

Mr. TOMPKINS of Ohio. Mr. Speaker, at a very late hour yesterday afternoon there was a discussion in the House of a very important question. I refer to the bill relating to the London dock clause. It is a subject in which the shipping people of this country are very much interested, and the committee to which that bill was referred have differed in their opinion as to the merits of the bill. I therefore ask unanimous consent for leave to have the views of the minority printed in the RECORD, in order that the members of the House may avail themselves of the information on this important question.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TOMPKINS] asks unanimous consent to print in the RECORD the views of the minority upon the bill H. R. 9059. Is there objection?

Mr. McRAE. Mr. Speaker, have these views been filed, and are they already in print?

Mr. TOMPKINS of Ohio. Yes; they are in print.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The document referred to is as follows:

VIEWS OF THE MINORITY.

[To accompany H. R. 9059.]

The undersigned members of the Committee on Interstate and Foreign Commerce, being unable to agree to a favorable report of this bill, beg leave to state their views, as follows:

Several strange features appear in this bill for which no explanation was offered in the committee. While nominally intended to apply to the port of London only, as has been repeatedly stated by the advocates of the measure (millers and lumbermen), and aimed solely at shipowners, the phraseology of the bill is so broad and sweeping that it applies to property transported to a great number of foreign ports. The bill deprives not only shipowners in this country, but "any persons or agencies other than the consignee or consignees" of the right or privilege of entering into any form of contract to protect even our American shippers or shipowners from unjust or even iniquitous laws, statutes, or customs of any country or countries, whether civilized or uncivilized, friendly or hostile to the American people.

The bill is drawn so as to protect the consignee in every foreign country; yet it is a prohibition of freedom of contract on all those interested in developing the export trade of the United States.

No two foreign ports in the world are exactly alike in their natural surroundings and consequent conditions. It has been the practice from time immemorial that the shipowner and shipper the world over, not alone in the United States, should clearly provide in the contract for the carriage of property to a foreign port that their responsibility ceases when the same is delivered over ship's rail. In ports of many foreign countries there may be customs or laws which would be absolutely injurious to American shippers and shipowners if they were unable when shipping to limit their liability for costs and all else up to the point when the property is delivered over ship's rail at the port of destination. The character and effect of some of these customs and laws we do not know.

Should this bill pass, it is well to consider the effect in respect to business to a foreign country where citizens of the United States and citizens of another country were endeavoring to do an export business. The freedom of contract being taken from the American, his foreign competitor in that particular business would be at a decided advantage.

No reason has been assigned by those advocating this bill why American exporters or shipowners should be denied the privilege of protecting themselves in this manner. Therefore, although it has been so frequently stated by the advocates of the bill (the millers and lumbermen) that it aimed at London, it would seriously prejudice and injure the methods of conducting trade to foreign countries and would prevent the shipper and shipowner in the export trade of the United States having a right to contract themselves into the same necessary position as are the shippers and shipowners of other countries.

The arguments submitted in support of the bill are all based on London, and consequently it seems well to develop facts with respect to the actual conditions prevailing there. By an ancient custom of that port, dating as far back as 1512, the Watermen's Company, by permission of the Crown, issued licenses to certain persons to work on the River Thames about the city of London as lightermen or bargemen, in consideration of their supplying men for the King's barges and for the royal navy. Under this license the bargemen had the privilege of going alongside of the vessels anchored in the river and removing the cargo from ship's rail free of any tax or charge.

When the first of the London docks were constructed, one hundred and twenty-five years ago, these bargemen had sufficient influence in the British Parliament to have this privilege continued to them, provided their barges were alongside of the ship in the dock and prepared to take any cargo within twenty-four hours after the ship entered. During all this period the goods that were taken from the dock by land instead of water were obliged to pay certain regular charges to the dock companies, which now and for some time past have amounted to 4 shillings per ton minimum. These barges were then and are still propelled by no power of their own, either steam or sail, but depend entirely upon the ebb and flow of the tide in the river.

This discrimination in favor of the bargemen was not founded on any principle of justice, for no reason has been assigned or attempted to be assigned showing why the delivery by barge should have any peculiar advantage over delivery by land, nor why one consignee of goods should be given a preference over another receiving goods from the same vessel. This, however, was not of special importance so long as the vessels entering the port of London were of comparatively small capacity, carrying a few varieties of cargo from a small number of shippers to a limited number of consignees; but as years went on and the size of ships increased, and with the development of commerce the number of shippers and consignees multiplied as did the diversity of the cargo; then the injustice of permitting these bargemen longer to enjoy this special privilege to the disadvantage of all other persons became manifest.

In the development of modern commerce vessels now carrying the American exports to London are of such great size that they are obliged to enter large locked-in tidal docks 8 to 14 miles distant from the center of the city of London. This increased distance required, of course, longer time, and the ebb and flow of a greater number of tides for the barges to float on their journeys and to get in and out of the docks, as they could only enter and leave at high water, and made more evident the impossibility of conducting business by the means and in the mode inaugurated four hundred years ago.

So when the shipowners engaged in the American trade some years since determined to construct large freight-carrying steamers, as large as any in the world—which have become so large that at present steamers now in service have a carrying capacity of eleven to twelve thousand tons of freight—they found it necessary to arrange with the London Dock Company, and did arrange, after considerable effort, that in order to expedite and cheapen the handling of the miscellaneous American exports the shipowners themselves, in addition to the ordinary duty of carriers of cargo, would undertake, after unloading, to assort, shelter, and deliver all goods transported by them from ports in America to the port of London. And in fulfillment of the purpose the so-called "London landing clause" was framed and inserted in bills of lading as long ago as 1888.

Among the many advantages the clause gives consignees seventy-two hours instead of twenty-four hours, as on cargo from other countries, after the steamer was reported at the custom-house, within which time their goods would be delivered without charge on American goods on the part of the dock company. The items of the expense for this service and the privileges accorded the American export movement are all set forth in the clause. The arrangement which resulted in this operation was only agreed to by the dock companies upon the assurances of the shipowners in the American trade that the speedy handling and delivery of cargo at a moderate charge would greatly enlarge the American business at the port of London.

This has been amply justified by the result. For instance, the American flour shippers in 1890 sent from the United States to London 10,000,000 hundredweight, which ten years later, in 1900, had increased to the enormous sum of 17,000,000 hundredweight of flour, while in the same year, 1900, the receipts of flour from all other countries in the world at London was only 178,000 hundredweight.

The result of this arrangement is that the bargemen at the port of London no longer enjoy the unreasonable discrimination in their favor allowed by the ancient custom of that port, but all American exports are subject to a definite charge, covering speedy assortment by responsible parties, care, shelter, and prompt delivery.

In view of this arrangement the shipowners in the American trade have provided themselves no only with the most modern and enormous steamers, but they themselves, without any increase in ocean freights, have at great expense hired quay space, installed modern apparatus for unloading, and pay dues for other facilities, by which working with a force of hundreds of men, day and night, they are enabled to unload a steamer with 10,000 to 12,000 tons of cargo in two or three days, load their west-bound cargo, turn their steamers about, and return to American ports on regular schedule, while vessels from other countries, not working under these modern methods, often occupy two or three weeks in unloading a much smaller cargo and at a greater cost to the receivers thereof, who are in the hands of the dock companies and must pay the dock company's charges for work equivalent to that performed under the so-called "London landing clause."

The rate of freight on the North Atlantic to London has steadily decreased year by year as the steamers have become larger, faster, and are consequently able to carry more cargo and make more trips.

The benefit to all of the shippers of the United States is apparent. They have regularity of service, the cheapest rates of freight ever known, and goods are delivered quickly and are not subject to any charges by the London dock companies, so that the American exports by sea to London are handled with as much certainty as will be found on land.

There can certainly be no discrimination against American exports at London in regard to handling after delivery from ship's rail as compared with the cost of handling exports of other countries to London through the dock companies, when it is shown that the "London landing-clause" rate is less than one-half of the minimum charge of the dock companies for the identical service.

The effect of the bill, as is stated by its friends, is to take from the shipowners the power to make a contract for assorting, caring for, sheltering, and delivering cargo after it leaves ship's rail, at 1 shilling 9 pence per ton, or any other charge, and to restore the ancient and actual discrimination in favor of the bargemen of London, who may choose to float in and out upon the tides of the waters of the Thames.

The services for which the charges in the "London landing clause" are made are entirely different and distinct from the simple carrying of cargo on the ocean. They have grown out of the requirements of modern business methods and the necessity for speedy dispatch of the cargo and the vessels, that the enormous exports of the United States may be moved economically in all departments.

Ambassador Choate in his report, page 6, says:

"The 1 shilling 9 pence charge, which is the subject of the present contention, is made, not for discharging the goods from the ship onto the quay, which is still borne by these steamship companies and is a heavy cost, but for the accommodation, shelter, and care of the goods upon the quay, and for all the labor done upon them from the moment they touch the quay until

they are delivered to the barges, including sorting, piling, and removing, i. e., delivery to craft, car, wagon, or other conveyance."

The agents and attorneys for the millers and lumbermen, who alone advocated this bill before the committee, stated several times that they did not object to the amount of the charges embraced in the clause, but insisted that they should be included in the ocean freight rate with the expectation and object, as alleged, that they would be finally absorbed by competition, that is to say, the ocean rate varies according to supply and demand, as was admitted by all at the hearings given. The charges for assorting, etc., after delivery from ship's rail are not so regulated. From this, as we understand it, it is meant that the millers and lumbermen want the work for their benefit to continue at the port of London as it is now done, but they do not want to pay for it.

The services for which the charges in the "London clause" are made, as shown above, are for totally different work from that of ocean carriage and delivery over ship's rail. They cover the equivalent work that is performed at Liverpool, Glasgow, and other ports in Great Britain and on the continent of Europe, and became necessary in the present form at the port of London because of the special favors that were granted to the bargemen so many years ago, and from the necessity for the speedy handling of cargo by responsible parties. If this bill is passed it will be entirely within the power of the dock companies at London to charge a minimum of 4 shillings for every ton of cargo upon their docks instead of the lesser charges under the "London clause."

Ambassador Choate, in a note on page 11 of his report, records that the dock companies at London are "afraid of the shipowners, who are well organized; but if the shipowner was allowed to complete his obligation when goods were delivered over the vessel's side, the cargo would be in the hands of the dock companies, who are in a position of absolute autocracy toward cargo interests."

The large steamers with American exports carry to London on one voyage ten to twelve thousand tons of cargo from as many as 800 or 1,000 shippers and intended for a thousand or more consignees. After delivery the cargo must be assorted, cared for, sheltered, and delivered in a systematic way, as only modern methods and energy can bring about.

If each of the great number of consignees sent his own men to attend to his own consignment, the docks would be overcrowded with men all searching for their own particular property, and causing not only delay to themselves but to everyone else, the result of which would be chaos. It seems useless to say that the modern methods must be overthrown by preventing the shipowners from making a reasonable contract because of the absurd privileges claimed by the bargemen of the port of London.

The question of the right to make the charges stipulated in the "London landing clause" for the services rendered by the shipowners was contested in the royal courts of justice, England, about three years after the clause was put in force, and Justice Day, in rendering decision April 7, 1891, held that the contract growing out of the clause was perfectly legal. He made the following, among other observations, in respect to it:

"The 'London clause' has been entered into, it is stated, by shipowners and merchants in London for the purpose of expediting business. It contains most reasonable provisions, which are almost necessary for the conduct of commercial business in these times, and when one finds immense vessels, such as the *Lydian Monarch* and other vessels, coming into the port of London, it is ridiculous to have applicable to such vessels and to such cargoes the old custom of the port of London, which was no doubt very applicable to small vessels containing very limited cargoes indeed.

"If the shipowner had entered into this contract for the purpose merely of pecuniary benefit, he would have been entitled to the benefit of the contract. It was quite clear, however, that it is not merely for pecuniary benefit, but that it is to the interest of all parties concerned that their goods should be delivered in the most convenient manner, and should be delivered in such manner as to enable them always to get their goods within the shortest possible time."

The *Lydian Monarch*, the immense vessel referred to in the decision which is given on page 42 of Senate Document No. 96, was a large steamer for her day, but there are now steamers in the London trade three and four times her size.

It is pertinent at this point to refer to page 10 of Senate Document No. 96, Appendix 2, giving an extract from a portion of section 493 of the merchant shipping act, 1894. From the reading of this it would appear that the shipowner is obliged to do certain things which, from a reading of all of the portion of the act referred to relating to the disposal of cargo—Part VII, sections 422 and 501, inclusive—is not found to be invariably incumbent upon him. Section 501 is short and to the point, nullifying, as far as established local port conditions are concerned, all of the preceding sections under Part VII.

Section 501 reads:

"Nothing in this part of this act shall 'take away or abridge any powers given by any local act to any harbor authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local act.'"

The statement has been frequently made that London is a "free port." Ambassador Choate's comments on this point will be found in Senate Document No. 96, page 3, fourth paragraph, as follows:

"In harmony with these enactments, which thus secured to the bargemen and to the cargo exemption from dock charges for unlading, it was and still is, unless otherwise agreed, the custom of the port of London that a consignee of goods has the right to the delivery of his goods overside, and therefore free from landing charges if he is ready and willing to take delivery of the same within twenty-four hours after the arrival at her place of discharge of the vessel in which the goods are borne. This, I take it, is what is meant—and all that is meant—by London being a "free port" by act of Parliament."

And page 14, second paragraph, as follows:

"It should be mentioned that if the merchant's barge is not alongside the ship within twenty-four hours from the date of the vessel's report the right of obtaining free delivery is forfeited, and the dock company have the right to levy their quay dues upon the scale charged to the merchant, a right which in all circumstances is rigidly enforced."

One result of the passage of this bill must be to put the shippers of this country at the mercy of the London dock companies, whose minimum charge is 4s. per ton of freight, as against the average of 1s. 9d., now being paid under the "London clause," with the possible privilege to a few shippers to receive their goods over the side of the ships free of charge, provided the barge floating down the river upon the tide can be alongside the ship within twenty-four hours after the vessel reports.

A barge floating down the river, as a matter of practical knowledge, can not once in twenty times be alongside the ship in the dock within twenty-four hours after her entry.

The barges are small and open, and enough to remove the cargo of a modern steamer from the United States could not be floated in the docks at one time.

If this bill is passed and the existing agreement between American shipowners and the London dock companies is abrogated, the effect on the American trade at the port of London may be most disastrous. Without the "London clause" as it now exists in the bill of lading, which is based upon the contract between the shipowners and the dock companies, the full duty of the shipowners, both by law and custom, will be completed when they deliver the goods over the side of the ship onto the docks. Formerly the dock companies took charge of the goods as soon as landed on the dock for the purpose of delivering them. It will be seen, however, from page 6 of Mr. Choate's report, that—

"In the year 1890, after a very serious strike among the dock laborers, the dock companies declined to have anything more to do with the cargoes discharged upon the docks for transfer to barges or to perform any labor thereon, which they had theretofore done under a claim of right, and since that time such labor has all been done by the steamship companies."

And, on page 14, Mr. Choate says:

"The delay that merchants suffer arise in part from the inadequacy of the dock quays, and also from the unwillingness of the dock officials to assist the lighterage traffic in any way whatever."

If Congress wishes to revive this ancient privilege at London and attach it to modern methods of doing business, the bill should be so drawn as to express that purpose.

There is certainly no need of a bill which takes from every shipowner and shipper in the United States the ordinary rights of contract and expressly protects the consignees of every foreign country to the disadvantage of our own citizens.

Some effort has been made before the committee to justify the enactment of such a law as this by comparing American shipping business with that of other countries whose ships enter the port of London. The circumstances surrounding these two different lines of business are so dissimilar that no just comparison can be made. The business of other countries is conducted in an old-time, easy-going method. Their ships are comparatively small and can enter the docks higher up the river, nearer the center of the city of London and its warehouses. The cargo often consists of one or two classes of freight, consigned to a limited number of persons. Freight entering from the American ports is carried in the largest vessels afloat. By reason of their size they are confined to a couple of docks, located from 10 to 14 miles from the center of the city of London.

Their cargo consists of every kind of farm products and manufactured goods produced in this country. They carry goods in the same vessels from as many as 800 to 1,000 consignors to an equal or greater number of consignees, and it is physically impossible to unload and handle this enormous quantity of freight of such varied character in a mode that is entirely suitable to the business from other countries. The difference in the two kinds of business can not be better compared than by the difference in the one article of flour shipped from the United States and that of other countries. As shown above, in 1900 the United States shipped 17,000,000 hundredweight of flour to London, while all other countries only shipped 178,000 hundredweight. One steamer from the United States carried on one voyage 74,000 sacks of flour.

It must be apparent that the mode of handling this great and increasing business is bound to be different from that of handling the business from all other of the world's ports, and no greater injustice could be done to the American shipping business than to overthrow the modern method of handling it at London, which has proven so beneficent in its results.

J. S. SHERMAN.
W. P. HEPBURN.
EMMETT TOMPKINS.
W. C. ADAMSON.

Mr. HENRY of Connecticut. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, relating to a supplemental appropriation in payment of claim of H. H. Thornton et al.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SWANSON, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3351) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C., reported the same without amendment, accompanied by a report (No. 1737); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 7691) for payment of $54 to V. Baldwin Johnson for 15 tons of coal, reported the same without amendment, accompanied by a report (No. 1736); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13534) granting an increase of pension to James Evans, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McDERMOTT: A bill (H. R. 13941) to abolish all duties upon meat or poultry imported from foreign countries—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 13963) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Joint resolution (H. J. Res. 184) requesting State authorities to cooperate with the Census Office in securing a uniform system of death registration—to the Select Committee on the Census.

By Mr. HEATWOLE: Concurrent resolution (H. C. Res. 50) providing for the printing of 25,000 copies of First Assistant Postmaster-General's Report for 1900-1901, relating to free-delivery service—to the Committee on Printing.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 221) instructing the Ways and Means Committee to investigate the question of the recent increase of the price of meats—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13942) granting an increase of pension to James Hunter—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 13944) granting a pension to Margaret Ann West, a nurse of United States Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13945) granting an increase of pension to Edward T. Durant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13946) granting an increase of pension to Capt. Stephen B. Todd—to the Committee on Invalid pensions.

Also, a bill (H. R. 13947) to increase the rate of pension for total blindness in certain cases—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13948) for the relief of Mrs. R. D. Smith—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 13949) granting a pension to David Kimball—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13950) for the relief of Omenzo G. Dodge—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 13951) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13952) exempting the property of the Linthicum Institute from taxation—to the Committee on the District of Columbia.

By Mr. KERN: A bill (H. R. 13953) granting a pension to Oscar C. Lasley—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13954) for the relief of retired colonels, United States Army—to the Committee on Military Affairs.

By Mr. MOODY of Oregon: A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13956) granting an extension of Letters Patent No. 244898—to the Committee on Patents.

By Mr. RAY of New York: A bill (H. R. 13957) granting an increase of pension to Charles Holmes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13958) granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 13959) granting an increase of pension to Wyman J. Crow—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13960) to remove the charge of desertion from the record of William Ridge—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 13961) granting an increase of pension to Jeremiah Skelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13962) granting an increase of pension to James M. Youmans—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13964) for the relief of Jesse Cobb (colored)—to the Committee on War Claims.

Also, a bill (H. R. 13965) for the relief of the legal representatives of James Smith, deceased—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 13966) granting an increase of pension to John W. Winkler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of R. C. Christy, Bunola, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. ADAMS: Resolution of General Hector Tyndale Circle, No. 65, Ladies of the Grand Army of the Republic, Philadelphia, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, resolutions of the Board of Trade of Newark, N. J.; Boston Merchants' Association, Boston, Mass.; the Chamber of Commerce of San Francisco, and Los Angeles Board of Trade, Los Angeles, Cal., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Resolutions of the Credit Men's Association of Atlanta, Ga., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. BROWN: Petition of St. Michael's Society, of Ashland, Wis., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BELLAMY: Resolutions of Central Labor Union of Charlotte, N. C., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of Raleigh, N. C., for an appropriation for macadamizing road to national cemetery—to the Committee on Military Affairs.

Also, petition of heir of John C. Swain, of Brunswick County, N. C., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, resolutions of Central Labor Union and Textile Workers' Union No. 224, of Charlotte, N. C., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the North Carolina Pine Association favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of citizens of Foreman, Ind. T., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. CALDERHEAD: Petitions of H. Bergman, C. A. Morley, and Owen Smith, of Clyde, Kans., in favor of the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill 13472, granting an increase of pension to Lewis E. Wilcox—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolutions of Rock River Lodge, No. 210, Brotherhood of Railroad Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolution of the Retail Clerks' Union of Atchison, Kans., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of Retail Clerks' Union of Leavenworth, Kans., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVEY of Louisiana: Resolution of Central Trades and Labor Council of New Orleans, La., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

By Mr. GILLETT of Massachusetts: Petitions of S. T. Maynard and 36 others of Amherst, and Frank B. Spalter and 29 others of Winchendon, Mass., for the protection of game and fish—to the Committee on the Public Lands.

By Mr. GRAHAM: Resolutions of the Chamber of Commerce of Pittsburg, Pa., urging an amendment to the river and harbor bill so as to include the Pittsburg Harbor in the investigation of bridges—to the Committee on Rivers and Harbors.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. GREENE of Massachusetts: Resolutions of Temple Ohabei Shalom, Boston, Mass., relative to treaty regulations with Russia—to the Committee on Foreign Affairs.

By Mr. KERN: Resolutions of W. H. Wallace Post, No. 55, Grand Army of the Republic, Centralia, Ill., favoring the Quay bill for the relief of the soldiers of the civil war—to the Committee on Invalid Pensions.

Also, petitions of Joseph E. Miller, of Belleville; Rutter Brothers, Fayetteville; J. E. Foraker, of Salem; Wesley Gant, of Fort Gage; Jamestown Creamery, Wehrheim Mercantile Company, of

Baldwin, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. LINDSAY: Resolutions of Republican Union of the Eighteenth assembly district, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of Mena Lodge, No. 529, Brotherhood of Railroad Firemen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Resolutions of Mine Workers' Union, Bevier and Novinger, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 43 citizens of Macon County, Mo., in favor of giving the Missouri Enrolled Militia a pensionable status—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of W. M. Hobbs Lodge, No. 4, of Chicago, and W. C. Pearce Lodge, No. 271, of Champaign, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, urging the passsage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petition of G. F. Carl and other citizens of Sanborn, N. Dak., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolution of Minnesota State Forestry Association, favoring the construction of forest areas—to the Committee on Indian Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Bricklayers and Masons' Union No. 21, and Fish Skinners, Cutters, and Handlers' Union No. 9582, of Gloucester, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of Onoko Lodge, No. 211, Brotherhood of Railroad Firemen, and Lehigh Lodge, No. 403, Association of Machinists, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lodge No. 259, of Easton, Pa., Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. NAPHEN: Resolutions of Bay State Lodge No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Lodge No. 388, Locomotive Firemen, Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Mine Workers' Union No. 961, Jeanesville, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of a Polish society, favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PUGSLEY: Resolutions of Coopers' Union No. 2, of New York; Plumbers and Gasfitters' Union No. 86, of Mount Vernon, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Iroquois Club of California, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of New York City, urging appropriation for dredging and deepening Buttermilk Channel, N. Y.—to the Committee on Rivers and Harbors.

Also, resolutions of the Trades League of Philadelphia, urging law authorizing communities, corporations, or individuals to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of board of directors of the Chicago Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Credit Men's Association of Rochester, N. Y., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of common council of Mount Vernon, N. Y., asking for an appropriation for dredging the Hutchinson River, New York—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 454, and Electric Lodge, No. 313, of Bronx Borough, New York City, Painters' Union No. 52 of Mount Vernon, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Core Makers' Union No. 27, of Ossining, N. Y., and petition of citizens of New York City, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11077, to amend the military record of Peter Coyle—to the Committee on Military Affairs.

Also, papers to accompany House bill 13958, granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Clothing Clerks' Union, No. 10, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Davenport, Iowa, in favor of the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of Branch No. 538, Polish National Society, of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Kentucky: Papers in support of House bill 7335, granting a pension to Elsy Pinter—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolutions of L. S. Holmes Post, No. 87, of Deshler, Department of Ohio, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Resolutions of Order of Railway Conductors and Bricklayers' Union, of El Paso, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Union, of Jacksboro and Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Order of Railway Conductors of Laredo, Tex., asking for the recall of Ambassador Powell Clayton, of Mexico—to the Committee on Foreign Affairs.

By Mr. TOMPKINS of New York: Resolutions of Laborers' Protective Union No. 8856, of Middletown, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Petition of J. S. Neighbor, to accompany House bill to amend the military record of William Ridge—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Monroe Brothers, Fleisher Brothers, Joel Baily Davis Company, George H. West Shoe Company, The S. S. White Dental Manufacturing Company, Fourth Street National Bank, Bickel & Miller, Felton, Sibley & Co., E. R. Hawkins & Co., G. W. Bernstein, and J. L. Shoemaker & Co., all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 24, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

HERRERA'S NEPHEWS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to the claim of Herrera's Nephews for the detention and use of their steamship *San Juan*, and of Gallego, Messa & Co., for the use and detention of their steamship *Tomas Brooks*, and the occupation and use of their wharves and warehouse by the military authorities of the United States at Santiago de Cuba in 1898 and 1899; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

AUTHORITIES ON RECIPROCITY.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a list of authorities on reciprocity; which, on motion of Mr. CULLOM,